

Conditional Sales Agreement

WITNESSETH THIS AGREEMENT dated **June** ____, **2014**, by and between **THE STATE OF INDIANA** acting through the Indiana Department of Administration, ("Seller") and _____, ("Buyer").

In consideration of this Agreement, Seller and Buyer agree as follows:

1. Sale of Property. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the following property (collectively, "Property"):

- 1.1 Property. The property commonly known as **~6520 E 450N, Lafayette, Tippecanoe County, Indiana**, described on the attached **Exhibit A** ("Land") together with all buildings, improvements and fixtures constructed or located on the Land ("Buildings") and all easements of record and rights benefiting or appurtenant to the Land (collectively the "Property"), subject to all existing legal rights-of-way, easements, conditions and restrictions of record.
- 1.2 Access. The subject parcel currently has limited public access or right of entry. The buyer will be responsible for gaining legal access to the property. Ingress/Egress permits may be submitted to the Department of Transportation and approved or denied at the agencies sole discretion. No assurance of such a permit is expressed or implied.
- 1.3 Personal Property. No personal property is being sold or conveyed as a part of this Purchase Agreement.

2. Purchase Price, Buyer's Premium, and Manner of Payment. The total purchase price ("Purchase Price") to be paid for the Property shall be ____ Dollars (\$_____). The Purchase Price shall be payable as follows:

- 2.1 In conjunction with execution of this Agreement (the "Execution Date"), Buyer shall submit _____ Dollars (\$_____) to Seller as earnest money ("Earnest Money"). In the event this Agreement is not accepted by Seller, the Earnest Money shall be promptly returned to Buyer. Upon acceptance of this Offer by Seller, such Earnest Money shall secure the Buyer's performance of this Agreement and in the event of a default by Buyer in the performance of its obligations herein specified, Seller shall have the right to terminate this Agreement and the Earnest Money shall be paid to Seller as liquidated damages as Seller's sole remedy at law or in equity; and
- 2.2 The balance of the Purchase Price, subject to adjustments as set forth herein, shall be payable in certified funds or by electronic transfer of funds on the "Closing Date" (as hereinafter defined).
- 2.3 In addition to the Purchase Price, Buyer shall, at Closing as hereinafter defined, pay Seller's representative a 10% Buyer's premium pursuant to the terms of a separate addendum to this Agreement.

3. Contingencies and Inspection Period. The obligation of the Seller is contingent upon approval of the transaction contemplated by this Agreement as required by **IC 4-13-2-14.1, IC 4-13-2-14.2 and IC 4-20.5-7**.

4. Closing. In the event that Seller has accepted this Agreement and the parties proceed to closing, the closing of the purchase and sale contemplated by this Agreement (the "Closing") shall occur within thirty (30) days following State approval as set forth above (the "Closing Date"), **such final closing is subject to and conditional upon approval by the Office of the Governor and the Indiana Attorney General**, unless extended by mutual agreement of the parties. The Closing shall take place at a time, place, and on a date agreeable by Seller and Buyer. The Buyer will be responsible for title fees, escrow fees, and costs charged by the company with whom the earnest money is deposited as outlined in Section 5.1.

4.1 Seller's Closing Documents. On the Closing Date, Seller shall have executed and delivered or caused to be delivered to Buyer the following (collectively, "Seller's Closing Documents"), all in form and content reasonably satisfactory to Buyer:

4.1.1 Deed. A Quitclaim Deed conveying the Property to Buyer, **an exemplar of such Quitclaim Deed is attached hereto as Exhibit B**.

4.1.2 Documents. Copies of all contracts, permits and warranties affecting the Property that will survive the Closing, if any.

4.1.3 Sales Disclosure Form. An Indiana sales disclosure form.

4.1.4 Other Documents. All other documents reasonably determined by Buyer to be necessary to transfer title to the Property to Buyer free and clear except Permitted Exceptions to Title.

4.2 Buyer's Closing Documents. On the Closing Date, Buyer will execute and deliver to Seller the following (collectively, "Buyer's Closing Documents"):

4.2.1 Purchase Price. Funds representing the Purchase Price, by electronic transfer of immediately available funds.

4.2.2 Assumption of Contracts, Permits, Warranties and Miscellaneous Documents. An Assumption of Contracts, Permits and Warranties, if any, assuming Seller's obligations under such documents.

4.2.3 Sales Disclosure Form. An Indiana sales disclosure form.

4.2.4 Other Documents. All other documents reasonably determined by Seller or Title Company to be necessary to complete the transaction contemplated by this Agreement.

5. Allocation of Costs. Seller and Buyer agree to the following allocation of costs regarding this Agreement:

5.1 Title Insurance and Closing Fee. Buyer shall be solely responsible for the payment of all premiums and fees associated with title insurance, including any and all closing fees or recording charges. Buyer shall be responsible for payment, at or before Closing, of search fees charged by the title company from whom Seller obtained a preliminary title review and commitment. Unless waived by the title company, said closing fees shall be payable by Buyer whether or not Buyer obtains a policy of title insurance.

5.2 Taxes and Assessments. The Property being conveyed is owned by the State of Indiana and is exempt from all real property taxes. The Seller shall assume no responsibility or liability for any real property taxes or other assessments from which it is statutorily exempt. Buyer shall be solely responsible for, and indemnify Seller against, any and all real property taxes assessed with respect to the Real Property on or after Closing.

5.3 Utilities. Seller shall either ensure that utility service to the Property is disconnected as of the Closing Date or shall cooperate with Buyer in having such utility services transferred to Seller's account. All contracts relating to operating the Property shall be canceled as of the Closing Date.

5.4 Attorney's Fees. Each of the parties will pay its own attorney's fees.

6. Evidence of Title. In the event that Buyer does not order and receive a commitment for title insurance, Seller shall, at its expense, within ten (10) days after written request from Buyer, furnish to Buyer a copy of the documents by which the State obtained or otherwise holds title or a letter from the State Land Office describing the documents by which the State obtained and otherwise holds title. Seller will cooperate with the Buyer or its title company in clarifying or resolving any perceived deficiencies or clouds in the title, but shall not be required to incur any expense beyond commitment of the time of the State Land Office. If such issues cannot be resolved to Buyer's satisfaction, Buyer may terminate this Agreement, and the Earnest Money, if any, shall be returned.

7. Maintenance of the Real Property Prior to Closing. During the period from the date of Seller's acceptance of this Agreement to the Closing Date, Seller shall maintain the Property and improvements in a reasonably prudent manner. Seller shall execute no contracts, leases or other agreements regarding the Property between the date hereof and the Date of Closing that are not terminable on or before the Closing Date, without the prior written consent of Buyer, which consent may be withheld by Buyer at its sole discretion.

8. Representations and Warranties by Seller. Seller represents and warrants to Buyer as follows:

8.1 Existence; Authority. Seller has the requisite power and authority to enter into and perform this Agreement and to execute and deliver Seller's Closing Documents; such documents have been duly authorized by all necessary action.

8.2 Contracts. Seller has made available to Buyer a correct and complete copy of any Contract and its amendments which will survive a closing hereunder, if any.

8.3 Operations. Seller has received no written notice of actual or threatened cancellation or suspension of any utility services for any portion of the Property. Seller has received no written notice of actual or threatened special assessments or reassessments of the Property.

8.4 Litigation. To Seller's knowledge, there is no litigation or proceeding pending or threatened against or relating to the Property, nor does Seller know of or have reasonable grounds to know of any basis for any such action or claim.

8.5 Physical Condition. Seller makes no representation or warranty concerning the physical condition of the Property and puts Buyer to the obligation to satisfy itself pursuant to the contingency contained in Section 3 above.

9. Casualty; Condemnation. If all or any part of the Property is materially damaged by fire, casualty, the elements or any other cause, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all Earnest Money by giving notice within thirty (30) days after Seller's notice. If eminent domain proceedings are threatened or commenced against all or any part of the Property, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all Earnest Money by giving notice within thirty (30) days after Seller's notice. Termination of this Agreement and return of all Earnest Money are Seller's sole remedies

10. Notices. Any notice required or permitted hereunder shall be given by personal delivery upon an authorized representative of a party hereto; or if mailed by United States certified mail, return receipt requested, postage prepaid; or if transmitted by facsimile copy followed by mailed notice; or if deposited cost paid with a nationally recognized, reputable overnight courier, properly addressed as follows:

If to Seller: Commissioner
Indiana Department of Administration
402 W. Washington St., W479
Indianapolis, IN 46204

With Copy to: Attorney General
Office of the Indiana Attorney General
302 W. Washington St.
Indianapolis, IN 46204

If to Buyer:

With a Copy to:

Notices shall be deemed effective on the date of receipt. Any party may change its address for the service of notice by giving notice of such change ten (10) days prior to the effective date of such change.

11. Miscellaneous. The paragraph headings or captions appearing in this Agreement are for convenience only, are not a part of this Agreement, and are not to be considered in interpreting this Agreement. This written Agreement constitutes the complete agreement between the parties and supersedes any prior oral or written agreements between the parties regarding the Property. There are no verbal agreements that change this Agreement, and no waiver of any of its terms will be effective unless in a writing executed by the parties. This Agreement binds and benefits the parties and their successors and assigns. This Agreement has been made under the laws of the State of Indiana, and any suit must be brought in an Indiana court of competent jurisdiction.

12. Remedies. If Buyer defaults, and if Buyer fails to cure such default within ten (10) days of the date of notice of such default from Seller, then Seller shall have the right to terminate this Agreement by giving written notice of termination to Buyer. In the event of termination Seller will receive the Earnest Money as liquidated damages, time being of the essence of this Agreement. The termination of this Agreement and retention of the Earnest Money will be the sole remedy available to Seller for such default by Buyer, and Buyer will not be liable for damages or specific performance. Buyer's sole remedy for any default by Seller shall be termination of this Agreement and return of the Earnest Money.

13. Buyer's Examination. Buyer is relying solely upon its own examination of the Property and inspections in determining its physical condition, character, and suitability for Buyer's intended use of the Property and is not relying upon any representation by Seller or any broker, except for those made by Seller directly to Buyer in writing in **Exhibit C, which is attached to this agreement**. Buyer agrees and acknowledges that it is accepting the Property "**AS IS**" subject to all faults of every kind and nature whatsoever, whether latent or patent, and whether now or

hereafter existing, and Buyer acknowledges that it has based its decision to purchase the Property solely upon information obtained independently by Buyer. Buyer shall sign a Hold Harmless Affidavit, **an exemplar of such Hold Harmless Affidavit is attached hereto as Exhibit D**. Buyer shall acquire the Property subject to all laws imposed upon the Property by any governmental or quasi-governmental authority having jurisdiction thereof. Buyer represents and warrants to Seller that Buyer has not relied, and will not rely, upon the representation or statement, or the failure to make any representation or statement, by Seller or Seller's agents, employees or by any person acting or purporting to act on the behalf of Seller with respect to the physical condition of the Property.

14. Compliance with Telephone Privacy. As required by IC 5-22-3-7:

(1) The Buyer and any principals of the Buyer certify that (A) the Buyer, except for de minimis and nonsystematic violations, has not violated the terms of (i) IC 24-4.7 [Telephone Solicitation Of Consumers], (ii) IC 24-5-12 [Telephone Solicitations] , or (iii) IC 24-5-14 [Regulation of Automatic Dialing Machines] in the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law; and (B) the Buyer will not violate the terms of IC 24-4.7 for the duration of the Contract, even if IC 24-4.7 is preempted by federal law.

(2) The Buyer and any principals of the Buyer certify that an affiliate or principal of the Buyer and any agent acting on behalf of the Buyer or on behalf of an affiliate or principal of the Buyer (A) except for de minimis and nonsystematic violations, has not violated the terms of IC 24-4.7 in the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law; and (B) will not violate the terms of IC 24-4.7 for the duration of the Contract, even if IC 24-4.7 is preempted by federal law.

15. Withdrawal of Offer. This Agreement shall be deemed to be withdrawn, unless accepted by Seller, after one-hundred-fifty (150) days of delivery to Seller. In the event of a withdrawal under this section, Buyer shall be entitled the return of the Earnest Money.

16. Additional terms.

17. Non-Collusion and Acceptance. The undersigned attests, subject to the penalties for perjury, that he/she is the Buyer, or that he/she is the properly authorized representative, agent, member or officer of the Buyer, that he/she has not, nor has any other member, employee, representative, agent or officer of the Buyer, directly or indirectly, to the best of the undersigned's knowledge, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he/she has not received or paid any sum of money or other consideration for the execution of this Property Purchase Agreement other than that which appears upon the face of this Agreement.

In Witness Whereof, Buyer and the Seller have, through their duly authorized representatives, entered into this Property Purchase Agreement. The parties, having read and understood the foregoing terms, do by their respective signatures dated below hereby agree to the terms thereof.

BUYER:

Signature

Printed Name

Title

BUYER SHALL TAKE TITLE OF THE PROPERTY AS FOLLOWS:

BUYERS PRIMARY ADDRESS:

SELLER:

State of Indiana acting through the Indiana Department of Administration.

By _____
For:

EXHIBIT "A"

Project: 0600060040

Sheet 1 of 2

Code: 5092

Parcel: 409 - Excess Land – A part of Record 166, page 456

Form: N/A

Parcel ID#:80-06-06-200-003.000-005

A part of the Northwest Quarter of Section 6, Township 22 North, Range 4 East, more particularly described as follows: Beginning at a point on the East right-of-way of U. S. Highway #31, said point being North 1609.25 feet and East 40 feet from the Southwest Corner of the Northwest Quarter of Section 6, Township 22 North, Range 4 East; thence East 235.8 feet to a point; thence North 184.75 feet to a point; thence West 235.8 feet to a point on the East right-of-way of said Highway #31; thence South along said right-of-way 184.75 feet to the place of beginning, containing 1.00 acre, more or less in Tipton County, Indiana.

The above legal description was quoted from Record 166, page 456, in the Office of the Recorder of Tipton County, Indiana.

Except, a part of the Northwest Quarter of Section 6, Township 22 North, Range 4 East, Tipton County, Indiana, and being all that part of the above-described 1.000-acre tract and shown on the attached Excess Land Parcel Plat, marked as EXHIBIT "B", described as follows: Commencing at point #565 designated on said plat; thence North 0 degrees 15 minutes 17 seconds East 652.39 feet along Line 'A' on State Highway Project 0600340 (2009) to the prolonged south line of the grantor's land; thence North 89 degrees 44 minutes 43 seconds East 87.93 feet along said prolonged south line to the southwest corner the grantor's land and the point of beginning of this description, which point is on the east boundary of U.S.R. 31, the northwest corner of the 1.333-acre tract described in Record 166, page 777, in the Office of the Recorder of Tipton County, Indiana, and 48 feet, more or less, (measured at right angles) from the west line of said quarter section; thence North 0 degrees 11 minutes 12 seconds East 184.75 feet along the boundary of said U.S.R. 31 to the northwest corner the grantor's land, which point is the southwest corner of a 7.860-acre tract described in a Recorded Survey in Record 57, page 866, in the Office of the Recorder of Tipton County, Indiana, and 48 feet, more or less, (measured at right angles) from the west line of said quarter section; thence South 89 degrees 44 minutes 43 seconds East 32.53 feet along the north line of the grantor's land, which line is the south line of

EXHIBIT "A"

Project: 0600060040

Sheet 2 of 2

Code: 5092

Parcel: 409 - Excess Land – A part of Record 166, page 456

Form: N/A

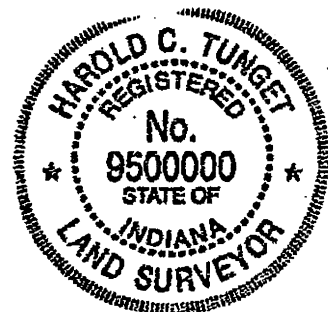
Parcel ID#:80-06-06-200-003.000-005

said 7.860-acre tract; thence South 14 degrees 29 minutes 20 seconds East 38.34 feet to point #7 designated on said plat and as Station 1017+50 and Offset 130 feet Right of said Line 'A'; thence South 0 degrees 15 minutes 17 seconds West 147.67 feet to the south line of the grantor's land and point #20 designated on said plat and as Station 1016+02.33 and Offset 130 feet right of said Line 'A', which line is the north line of said 1.333-acre tract; thence North 89 degrees 44 minutes 43 seconds West 42.07 feet along said south line to the point of beginning and containing 0.175 acres, more or less, and containing after said exception 0.825 acres. The basis of bearings for the above-described 0.175-acre tract was taken from the Location Control Route Survey Plat recorded as Instrument #072043, in the Office of the Recorder of Tipton County, Indiana.

However, reserving unto the State of Indiana the right to control access along the lines as shown on the attached Excess Land Parcel Plat, marked as EXHIBIT "B", and the boundary of U.S.R. 31 described as follows: The 38.34 -foot course and the 147.67 -foot course described above in the legal description of the 0.175-acre parcel. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

All bearings in this description which are not quoted from previous instruments are based on the bearing system from State Highway Project 0600340 (2009).

This description was prepared for the Indiana Department of Transportation by Harold C. Tunget, Indiana Registered Land Surveyor, License Number LS29500000, on this 13th day of October, 2011



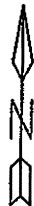
Harold C. Tunget
Harold C. Tunget

This plat was prepared from information obtained from the Recorder's Office & other sources which were not necessarily checked by a field survey.

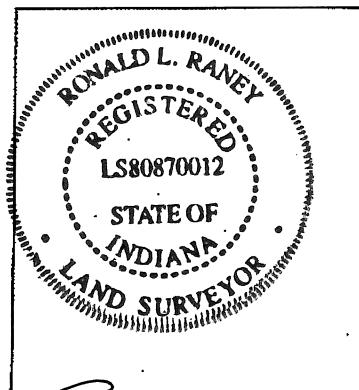
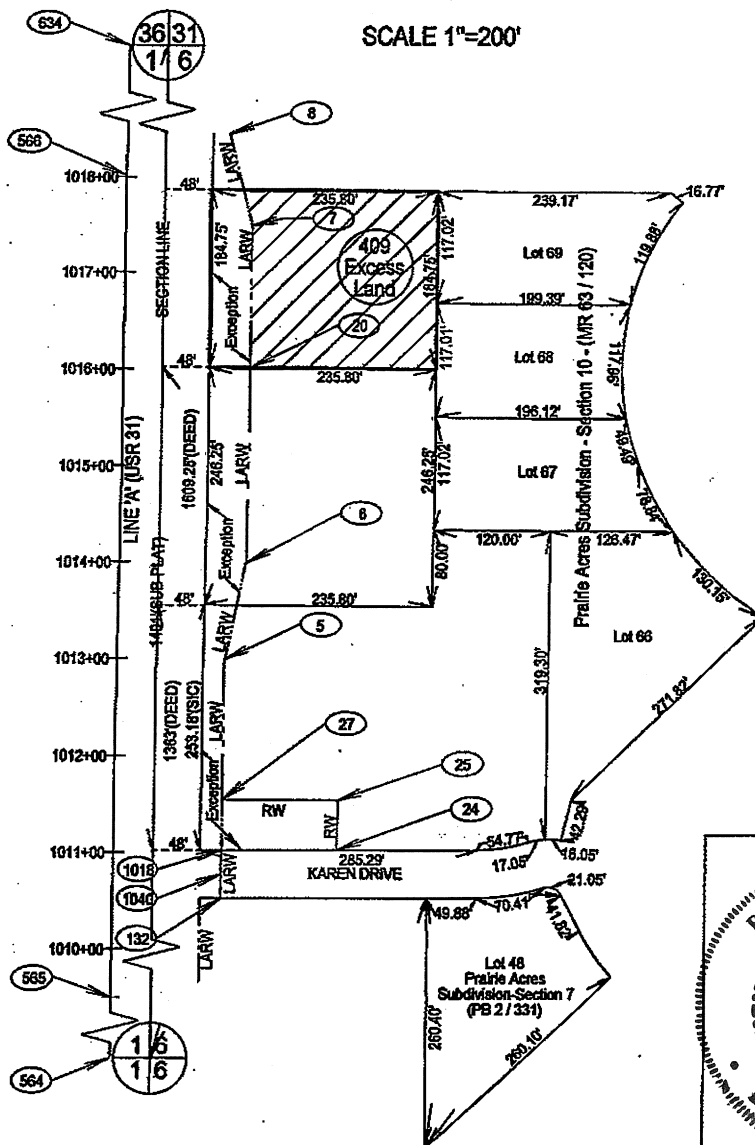
Grantor: STATE OF INDIANA



*Hatched Area denotes
Excess Land*



SCALE 1"=200'



SURVEYOR'S STATEMENT: To the best of my knowledge and belief, this plat, together with the Location Route Survey Plat recorded as Inst. #072043, in the Office of the Recorder of Tipton County, Indiana (Incorporated and made a part here-of by reference), comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").

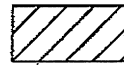
Ronald L Raney 6-20-12
 Harold C. Tunget L#25500000 Date
 RONALD L. RANEY

Parcel #: 409
 Project #: 0600340
 Road #: USR#31
 County: TIPTON
 Section: 6
 Township: 22 N.
 Range: 4 E.

EXCESS LAND PARCEL PLAT
EXHIBIT "B"
PAGE 2 OF 2

Grantor: STATE OF INDIANA

Code #: 5092
 Des. #: 0600340
 Drawn By: C. TUNGET
 Checked By: R. RANEY



Hatched Area denotes
Excess Land

This plat was prepared from information
 obtained from the Recorder's Office &
 other sources which were not necessarily
 checked by a field survey.



SCALE 1"=200'

POINT-COORDINATE CHART (FEET)					
POINT	NORTH	EAST	STATION	OFFSET	CL
5	71815.2621	99895.8936	1013+00.00	110.00	'A'
6	71915.1722	99916.3381	1014+00.00	130.00	'A'
7	72265.1687	99917.8944	1017+50.00	130.00	'A'
8	72360.2790	99893.3171	1018+45.00	105.00	'A'
20	72117.5002	99917.2378	1016+02.33	130.00	'A'
24	71618.5696	100015.0201	1011+03.84	230.00	'A'
25	71669.7300	100015.2476	1011+55.00	230.00	'A'
27	71670.2636	99895.2490	1011+55.00	110.00	'A'
132	71568.3061	99894.7954	1010+53.04	110.00	'A'
1018	71618.3067	99895.0178	1011+03.04	110.00	'A'
1040	71593.3058	99894.9066	1010+78.04	110.00	'A'

564, 565, 566, 634 - See Location Control Route Survey Plat.

Stations & offsets are to control over North & East coordinates & bearings & distances.

SURVEYOR'S STATEMENT: To the best of my knowledge and belief, this plat,
 together with the Location Route Survey Plat recorded as Inst. #072043,
 in the Office of the Recorder of Tipton County, Indiana (incorporated
 and made a part here-of by reference), comprise a Route Survey executed in
 accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").



Ronald L. Raney 6-20-12
 Harold C. Tunget LS#29500000 Date
 RONALD L. RANEY

EXHIBIT B

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that the STATE OF INDIANA, acting through the Governor of the State of Indiana and the Commissioner of the Indiana Department of Administration, or their respective designees, and by the authority of Indiana Code 4-20.5-7-11, RELEASES and QUITCLAIMS to:

for good, valuable, and sufficient consideration, receipt of which is hereby acknowledged, the real property located in _____ County, Indiana and more fully described on Exhibit A, attached hereto and incorporated fully herein.

Subject to all existing legal rights-of-way, easements, conditions, and restrictions of record.

IN WITNESS WHEREOF, the undersigned have executed the foregoing Quitclaim Deed on behalf of the State of Indiana this _____ day of _____ 2011.

**David L. Pippen, Designee for
Mitchell E. Daniels, Jr. Governor**

State of Indiana)

County of Marion)

ss:

Before me, a Notary in and for said County and State, personally appeared David L. Pippen, designee of the Governor of Indiana pursuant to IC 4-20.5-7-17 (b), and acknowledged execution of the foregoing Quitclaim Deed this _____ day of _____ 2011.

Notary signature: _____

Notary name printed: _____

My commission expires: _____ I reside in _____ County

[illegible]

My commission expires: _____ I reside in _____ County

Filed in Indiana State Land Office:

This instrument prepared by Tim A. Grogg Esq. (Attorney No. 7316-03), Legal Counsel, Indiana Department of Administration, 402 West Washington Street, W 479, Indianapolis, IN 46204. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Exhibit C

CATEGORICAL EXCLUSION LEVEL 1 FORM

Date: July 27, 2012

☒ Initial Version

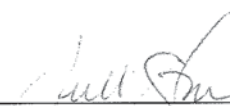
☐ Additional Information to CE Level 1 Dated:

Purpose of this document:

☐ CE Level 1 documentation for exempted projects

☒ State-funded categorical exemption documentation (Sect. I.C.4, Table 4: Item 10 of the 2011 INDOT CE Manual)

Approval of Exempt, CE Level 1 or State-Funded CE:


Environmental Scoping Manager or
Environmental Policy Manager

Date

PROJECT INFORMATION			
Project Number, County, Route	N/A, Tipton County, US 31		Des Number
			LA Code 5092 / Parcels 407, 408, & 409
Project Description	<p>This proposal (action) involves the disposal (sale) of excess INDOT right-of-way (R/W) from three parcels along US 31 in Tipton County. Parcels 407, 408, and 409 are located along the east side of US 31 between reference post (RP) 155+81 and RP 155+94, approximately 0.2 mile south of CR 600 North. Specifically, these parcels are located in Section 6, Township 22 North, Range 4 East of the U.S. Geological Survey (USGS) 7.5' Kokomo West, Indiana Topographic Quadrangle in Tipton County.</p> <p>INDOT intends to sell a total of 3.880 acres of excess INDOT R/W, which includes 1.955 acres from Parcel 407, 1.100 acres from Parcel 408, and 0.825 acre from Parcel 409. These parcels were acquired by INDOT in 2011 as part of the of the new US 31 Kokomo Bypass road construction project under Designation Number (Des#) 0600340. INDOT determined that this surplus R/W will not be needed within the near future and has thus decided to sell the excess R/W to a prospective buyer.</p> <p>A vacant commercial building and fenced storage lot comprises the majority of Parcel 407. The storage lot is covered in gravel and a paved asphalt parking lot is located on the west side of the vacant commercial building. Various types of construction equipment, vehicles, storage containers, large cable coils, and other supplies were observed in the fenced lot at the time of the June 26, 2012 site inspection. The prospective buyer requested that INDOT not demolish the vacant commercial building or storage lot.</p> <p>Parcels 408 and 409 are currently vacant lots comprised of mowed grass and trees. Residential structures once stood on these parcels; however, the structures were demolished as part of the new US 31 Kokomo Bypass road construction project under Des number 0600340. See Appendix A for maps depicting the site and Appendix B for site photographs.</p> <p>This action will not involve excavation, construction, or demolition of any kind. Therefore, impacts to the surrounding environment are not expected.</p>		
Purpose and Need for Action:	<p>The purpose of this action is to reduce the amount of existing INDOT R/W at Parcels 407, 408, and 409 in Tipton County. The need of this action is due to the excess R/W at these parcels currently under INDOT ownership.</p>		

Alternatives Considered:	The "Do Nothing" alternative was considered for this action. However, this alternative did not satisfy the purpose and need of the action. Therefore, it was not selected as the preferred alternative.		
Project Termini:	Parcels 407, 408, and 409 are located on the east side of US 31 from RP 155+81 to RP 155+94, approximately 0.2 mile south of CR 600 North in Tipton County.		
Funding Source(s):	<u> </u> Federal <u> X </u> State <u> </u> Local	Estimated Cost	N/A
Project Sponsor:	Indiana Department of Transportation	Total Project Area	4.603 acres

Name and organization of CE Level 1 Preparer:: Aaron Lawson - INDOT Greenfield District

SCOPE OF THE PROPOSED ACTION		
Public Involvement	No: X	Possible:
Comments:	This action does not meet any of the conditions described in the Public Involvement Manual, Part 1, and Section IV.C.4, which would require INDOT to offer the public an opportunity to request a public hearing.	
Relocation of residences/businesses/etc.*	No: X	Possible:
Comments:	No relocations of any residences or businesses will result from this action.	
Right-of-way in acres (permanent and temporary)*	No: X	Possible:
Comments:	No permanent or temporary R/W will be required for this action.	
Added through-traffic lanes – length*	No: X	Possible:
Comments:	No through-traffic lanes will be added.	
Permanent alteration of local traffic pattern*	No: X	Possible:
Comments:	There will be no alteration of local traffic patterns resulting from this action.	
Facility on new location or realignment*	No: X	Possible:
Comments:	No facilities will be relocated or realigned during the completion of this action.	
Disruption to public facilities/services (such as schools, emergency service)	No: X	Possible:
Comments:	This action will not result in a disruption to public facilities or services.	
Involvement with existing bridge(s) (Include structure number(s))	No: X	Possible:
Comments:	No bridges or small structures are located within the subject parcels.	

INVOLVEMENT WITH RESOURCES		
Watercourses Impacted (linear feet)	No: X	Possible:
Comments:	The June 26, 2012 site visit and review of the attached U.S. Geological Survey (USGS) topographic map (Appendix A-3) revealed that there are no streams, rivers, or watercourses, jurisdictional or otherwise, located in or near the subject parcels.	

INVOLVEMENT WITH RESOURCES		
Other Surface Waters (such as ponds, lakes, reservoirs, in acres)	No: X	Possible:
Comments:	The June 26, 2012 site visit and review of the attached USGS topographic map (Appendix A-3) revealed that there are no surface waters located in or near the subject parcels.	
Wetlands (acres)*	No: X	Possible:
Comments:	The June 26, 2012 site visit and review of the attached National Wetlands Inventory map (Appendix A-4) revealed that there are no known wetlands in or near the subject parcels.	
Disturbance of Terrestrial Habitat (acres)	No: X	Possible:
Comments:	A vacant commercial building and gravel storage lot comprises the majority of Parcel 407. Various types of construction equipment, vehicles, storage containers, large cable coils, and other supplies were observed in the fenced lot at the time of the June 26, 2012 site inspection. The remainder of Parcel 407 consists of mowed grass and concrete. Parcels 408 and 409 are currently vacant and are comprised of mowed grass and trees. This action will not result in the disturbance of any of these low quality terrestrial habitats.	
Karst Features	No: X	Possible:
Comments:	The subject parcels are located outside of the designated karst area of the state as identified in the October 13, 1993 MOU. See Appendix A-7 for the Karst Map of Indiana. No karst features were observed or are known to exist within or adjacent to the subject parcels.	
Threatened and Endangered Species Present/Impacted*	No: X	Possible:
Comments:	The subject parcels are located within the range of the Federally endangered Indiana bat (<i>Myotis sodalis</i>). However, this species has not been reported in the vicinity of the subject parcels. This action will not impact to threatened and endangered species.	
Impacts to Sole Source Aquifer*	No: X	Possible:
Comments:	According to the Sole Source Aquifer Map of Indiana (Appendix A-6), the subject parcels are not located within the legally designated St. Joseph Aquifer System.	
Flood Plains (note transverse or longitudinal impact)	No: X	Possible:
Comments:	According to the Federal Emergency Management Agency (FEMA) flood insurance rate map (FIRM) (Appendix A-5), none of the parcels are located within a floodplain. Therefore, this project does not fall within the guidelines for the implementation of 23 CFR 65, 23 CFR 771, and 44 CFR.	
Farmland (acres)	No: X	Possible:
Comments:	The requirements of the FPPA do not apply to this action. This action does not involve the acquisition of any R/W.	
Cultural Resources (Section 106)*	No: X	Possible:
Comments:	<p>A Phase I Archaeological Survey for the US 31 Kokomo Bypass road construction project was completed on October 26, 2009, by ASC Group Inc. (Appendix D-5). Parcels 407, 408, and 409 were determined to be disturbed by ASC Group Inc., and thus no further archaeological work was necessary. The Indiana State Historic Preservation Officer (SHPO) concurred with this determination in a response letter dated November 16, 2009 (Appendix D-10).</p> <p>With regards to above-ground resources (historic structures), these parcels were previously examined by the US 31 Kokomo Bypass Corridor architectural survey completed by ASC Group on September 16, 2004. The parcels are located well within the Area of Potential Effects (APE) examined for US 31 road project (Appendix D-13). According to the architectural survey, no National Register eligible properties are located on these parcels (Appendix D-16). The SHPO responded to the conclusions of the Architectural Survey in a letter dated October 20, 2004 (Appendix D-17). The SHPO only provided comments on the</p>	

INVOLVEMENT WITH RESOURCES		
	properties for which they disagreed with the conclusions proposed in the September 16, 2004 Architectural Survey regarding the eligibility for the National Register of Historic Places. This did not include Parcels 407, 408, or 409. Therefore, this action will not impact any historic structures or archaeological resources; therefore, under IC 14-21 no certificate of approval is required to dispose of this .	
Section 4(f) and Section 6(f) Resources *	No: X	Possible:
Comments:	There are no Section 4(f) or Section 6(f) resources located in or near the excess R/W parcels based on observations made during the June 26, 2012 site visit and review of the National Park Service Land and Water Conservation Fund (LWCF) website: (http://www.nps.gov/lwcf/).	
Air Quality Non-attainment Area	No: X	Possible:
Comments:	The subject parcels are located in Tipton. This county is currently in attainment for all National Ambient Air Quality Standards (NAAQS) criteria pollutants. The sale of excess R/W will not affect the quality of air.	
Noise Analysis Required*	No: X	Possible:
Comments:	In accordance with 23 CFR 772 and the INDOT Traffic Noise Policy, this action does not require formal noise analysis.	
Community/Economic Impacts	No: X	Possible:
Comments:	This action will have no impact on the local community or economy.	
Environmental Justice	No: X	Possible:
Comments:	According to the INDOT CE Manual Section IV.C.7.d, no analysis for environmental justice (EJ) is required for projects with fewer than two relocations and less than 0.5 acre of acquired R/W. This action meets these criteria. Therefore, no EJ analysis is required.	
Hazardous Materials	No: X	Possible:
Comments:	<p>A red flag investigation (RFI) was completed by INDOT Greenfield District Environmental Section personnel on July 20, 2012 (Appendix E-3). The RFI revealed no signs of hazardous material concerns within the immediate vicinity of the excess R/W parcels. However, eight petroleum wells, one National Pollutant Discharge Elimination System (NPDES) pipe, and two streams impaired with polychlorinated biphenyl (PCB) and Escherichia coli (E. coli) are located within the half-mile radius investigation area. All of these sites are located at least 1/8 mile or more from the excess R/W parcels and will not impact the sale of the excess R/W due to their distance.</p> <p>This action will not include construction, excavation, or grading of any soils. Therefore, further investigations regarding hazardous materials are not warranted. The INDOT Environmental Services Hazardous Materials Unit concurred with the findings of the RFI on July 20, 2012 (Appendix E-6). See Appendix E for the RFI investigation maps displaying the half-mile radius investigation area.</p> <p>No signs of hazardous materials were observed during the June 26, 2012 site visit (Appendix E-1).</p>	
Permits	No: X	Possible:
Comments:	No environmental related permits will be required for this action.	

*Criteria used for determination of CE Level. See threshold table below.

ENVIRONMENTAL COMMITMENTS:

If any archaeological artifacts, features, or human remains are uncovered during disposal of this land, State Law (Indiana Code 14-21-1-27 & 29) requires that the discovery must be reported to the Department of Natural Resources. In the event, please call 317- 232-1646. At the time of disposal/ transfer INDOT must inform the purchaser about this Law. (For further consideration, INDOT)

Categorical Exclusion Level Thresholds

	Level 1	Level 2	Level 3	Level 4
Relocations	None	≤ 2	> 2	> 10
Right of way¹	< 0.5 acres	< 10 acres	≥ 10 acres	≥ 10 acres
Length of added through lane	None	< 1 miles	≥ 1 mile	≥ 1 mile
Permanent Traffic pattern alteration	None	None	Yes	Yes
New alignment	None	None	< 1 mile	≥ 1 mile ²
Wetlands	< 0.1 acres	< 1 acre	< 1 acre	≥ 1 acre
Stream Impacts	≤ 300 linear feet of stream impacts, no work beyond 75 feet from pavement	> 300 linear feet impacts, or work beyond 75 feet from pavement	N/A	N/A
Section 4(f)*	None	None	None	Any impacts
Section 6(f)	None	None	Any impacts	Any impacts
Section 106	"No Historic Properties Affected" or falls within guidelines of Minor Projects PA	"No Adverse Effect" or "Adverse Effect"	N/A	If ACHP involved
Noise Analysis Required	No	No	Yes ³	Yes ³
Threatened/Endangered Species*	"Not likely to Adversely Affect", or Falls within Guidelines of USFWS 9/8/93 Programmatic Response	N/A	N/A	"Likely to Adversely Affect" ⁴
Sole Source Aquifer Groundwater Assessment	Detailed Assessment Not Required	Detailed Assessment Not Required	Detailed Assessment Not Required	Detailed Assessment Required
Approval Level • ESM ⁵ • ES ⁶ • FHWA	Yes	Yes	Yes Yes	Yes Yes Yes

*These thresholds have changed from the March 2009 Manual.

¹Permanent and/or temporary right of way.

²If the length of the new alignment is equal to or greater than one mile, contact the FHWA's Air Quality/Environmental Specialist.

³In accordance with INDOT's Noise Policy.

⁴If the project is considered Likely to Adversely Affect Threatened and/or Endangered Species, INDOT and the FHWA should be consulted to determine whether A higher class of document is warranted.

⁵Environmental Scoping Manager

⁶Environmental Services

Appendices

Appendix A	Location Maps
Appendix B	Site Photographs
Appendix C	Plat Maps and Legal Descriptions of Excess R/W
Appendix D	Cultural Resources: Previous Studies
Appendix E	Hazardous Materials

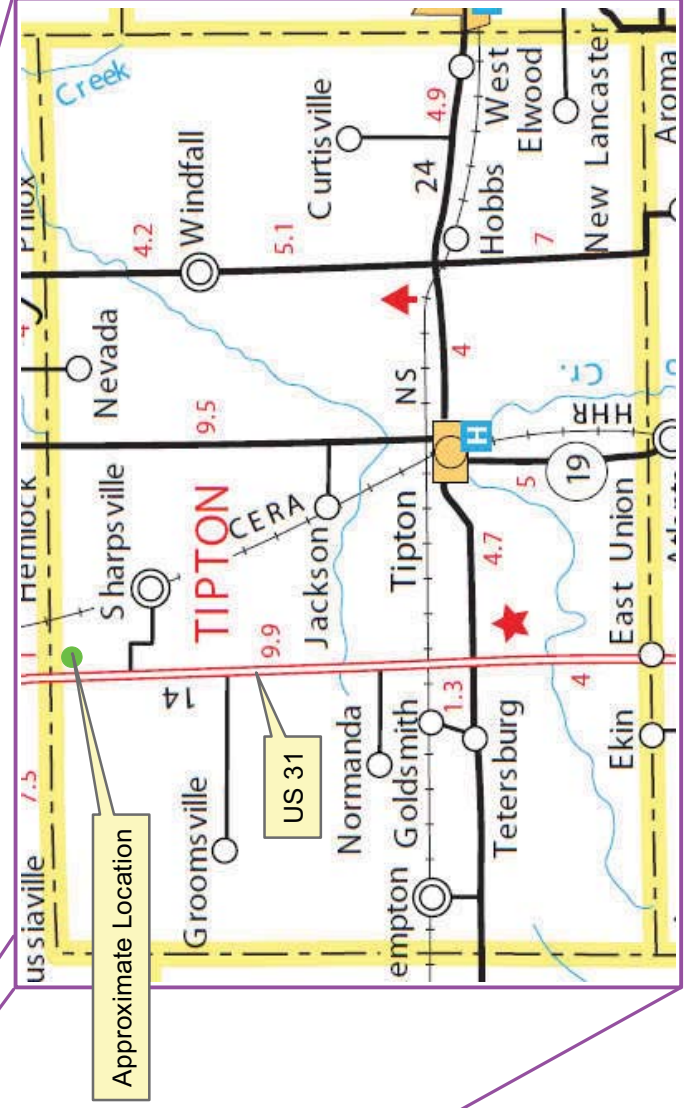
Appendix A

Location Maps

Indiana Road Map Location - Project Location LA Code 5092, Sale of Excess R/W (Parcels 407, 408, & 409) Tipton County, Indiana



generated by:
accessIndiana



Red Flag Investigation - General Site Map
 US 31, 0.2 mile south of CR 600N (Parcels 407, 408, & 409,)
 LA Code 5092, Sale of Excess INDOT R/W
 Tipton County, Indiana



0 0.02 0.04 0.08 0.12
 Miles

1:2,300

Sources:

Non Orthophotography

Data - Obtained from the State of Indiana Geographical Information Office Library

Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)

Map Projection: UTM Zone 16 N **Map Datum:** NAD83

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

Legend

Project Area

County Boundary

State Routes

Highways

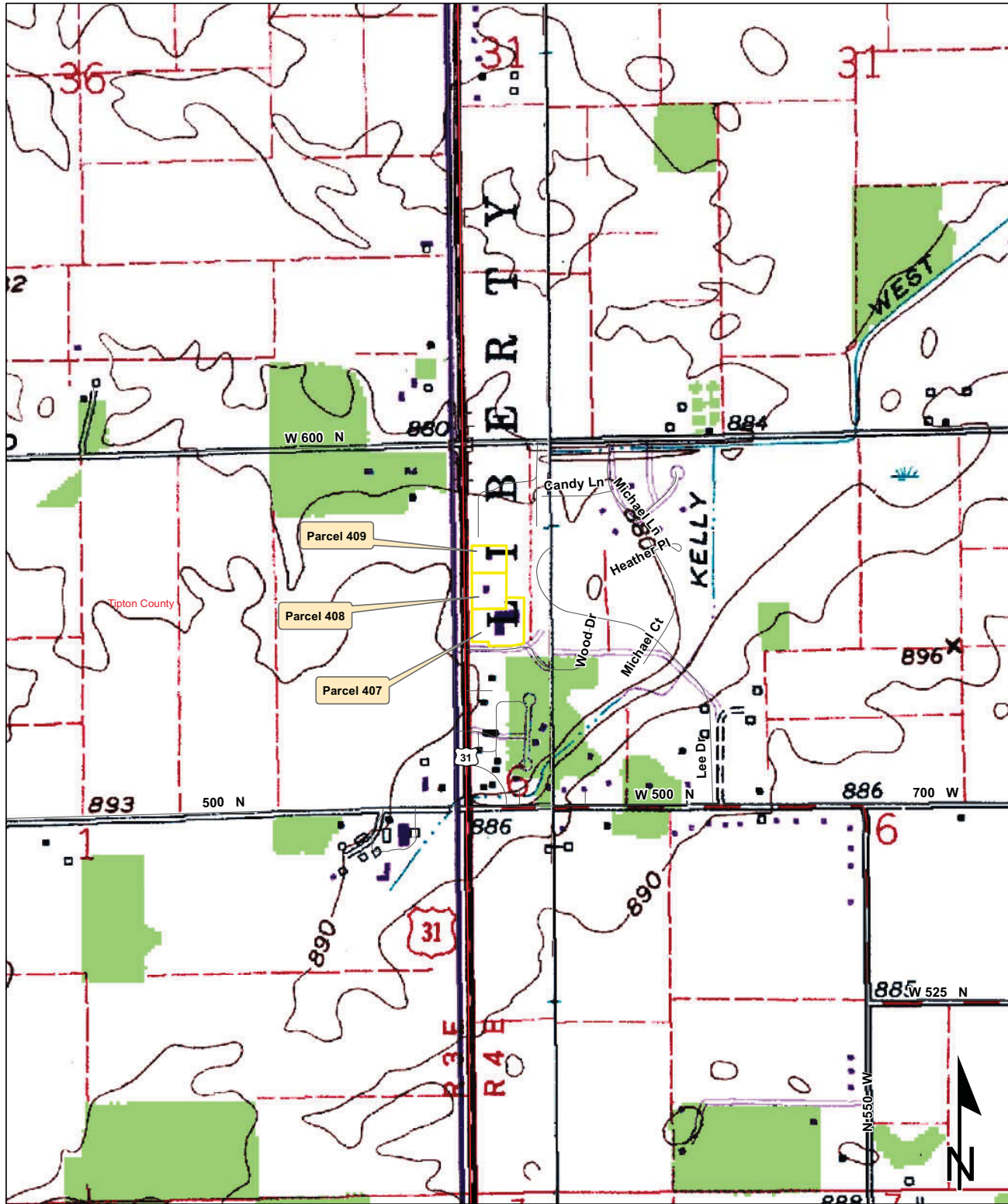
Interstates

State Routes

US Routes

Local Road

Project Location Map - USGS Topographic Map (1:24,000)
US 31, 0.2 mile south of CR 600N (Parcels 407, 408, & 409,)
LA Code 5092, Sale of Excess INDOT R/W
Tipton County, Indiana



1:8,000

Sources:
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

Legend

- Project Area
- County Boundary

State Routes

Highways

- Interstates
- State Routes
- US Routes
- Local Road



U.S. Fish and Wildlife Service

National Wetlands Inventory

Sale of Excess
INDOT R/W

Jul 18, 2012



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

Riparian

- Herbaceous
- Forested/Shrub

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

LA Code 5092: Parcels 407, 408, and 409



LA Code 5092 - Sale of Excess INDOT
R/W, Parcels 407, 408, & 409

NATIONAL FLOOD INSURANCE PROGRAM

FHBM
FLOOD HAZARD BOUNDARY
MAP

**TIPTON
COUNTY,
INDIANA**
UNINCORPORATED AREA

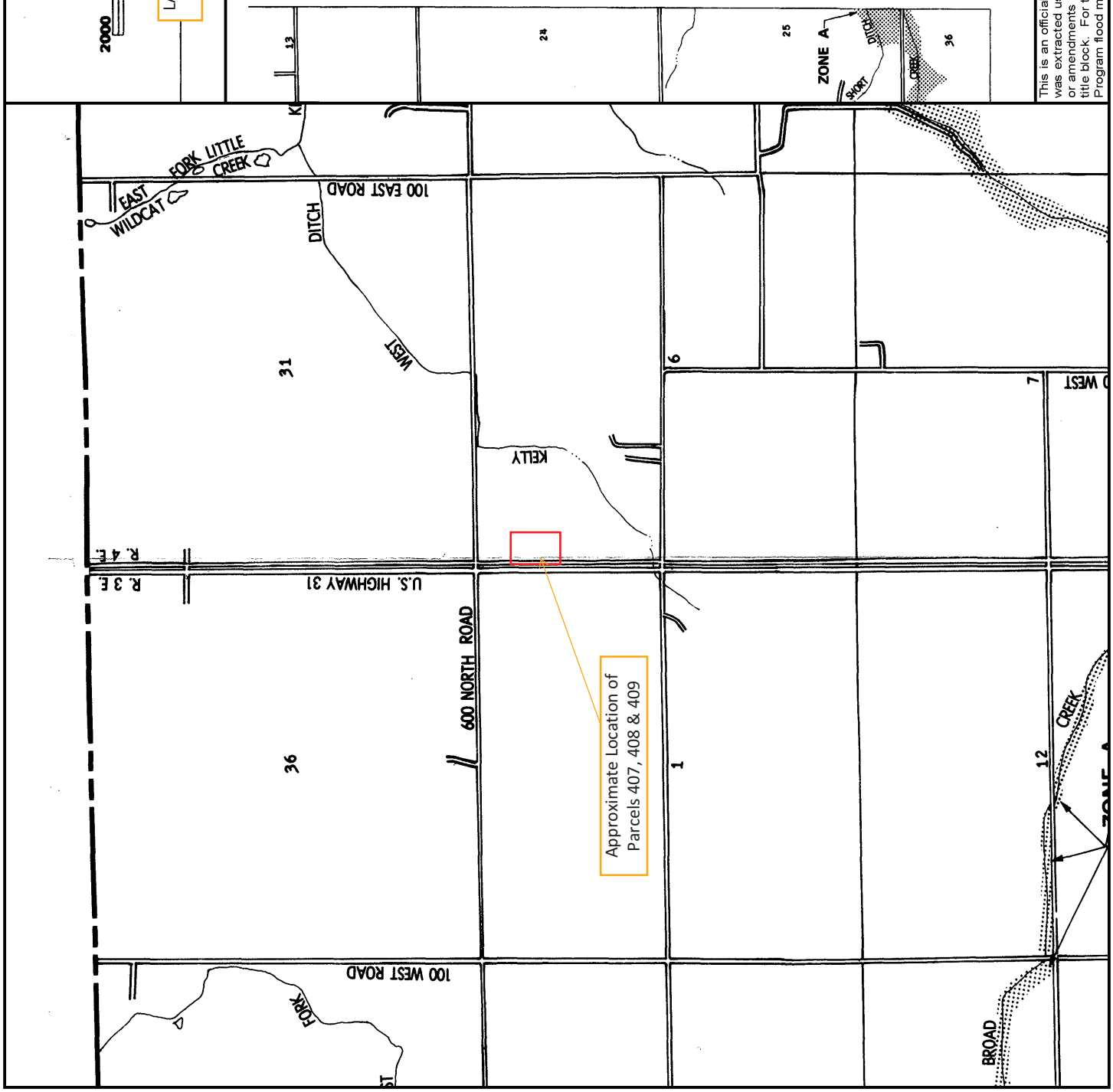
PAGE 1 OF 4
PAGES PRINTED: ALL PAGES

CONVERTED BY LETTER
EFFECTIVE 9/1/88

COMMUNITY - PANEL NUMBER
100475 0001 A

EFFECTIVE DATE
MARCH 18, 1979

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION



Approximate Location of
Parcels 407, 408 & 409

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

A5

Sole Source Aquifer Map



EXPLANATION

Pm

McLeansboro Group
Shale sandstone limestone thin coals

Carbondale Group

Shale sandstone limestone thick coals

Pi

Raccoon Creek Group
Sandstone shale clay limestone thin coals

West Baden and Stephensport Groups and upper Chesterian rocks

Shale sandstone limestone

Blue River Group

Limestone dolomite

Sanders Group

Limestone

Mb

Borden Group and Rockford Limestone
Shale siltstone limestone

Mc

Coldwater Shale
Gray shale

Dwe

Ellsworth and Sunbury Shales
Gray green and black shales

Du

New Albany Shale
Black shale

Da

Antrim Shale
Black shale

D

Middle Devonian rocks
Limestone dolomite

Salina Formation

Limestone dolomite

Lower and middle Silurian rocks

Limestone dolomite siltstone shale

Upper Ordovician rocks

Shale limestone

Uppermost Cambrian and lower and middle Ordovician rocks

Dolomite limestone sandstone

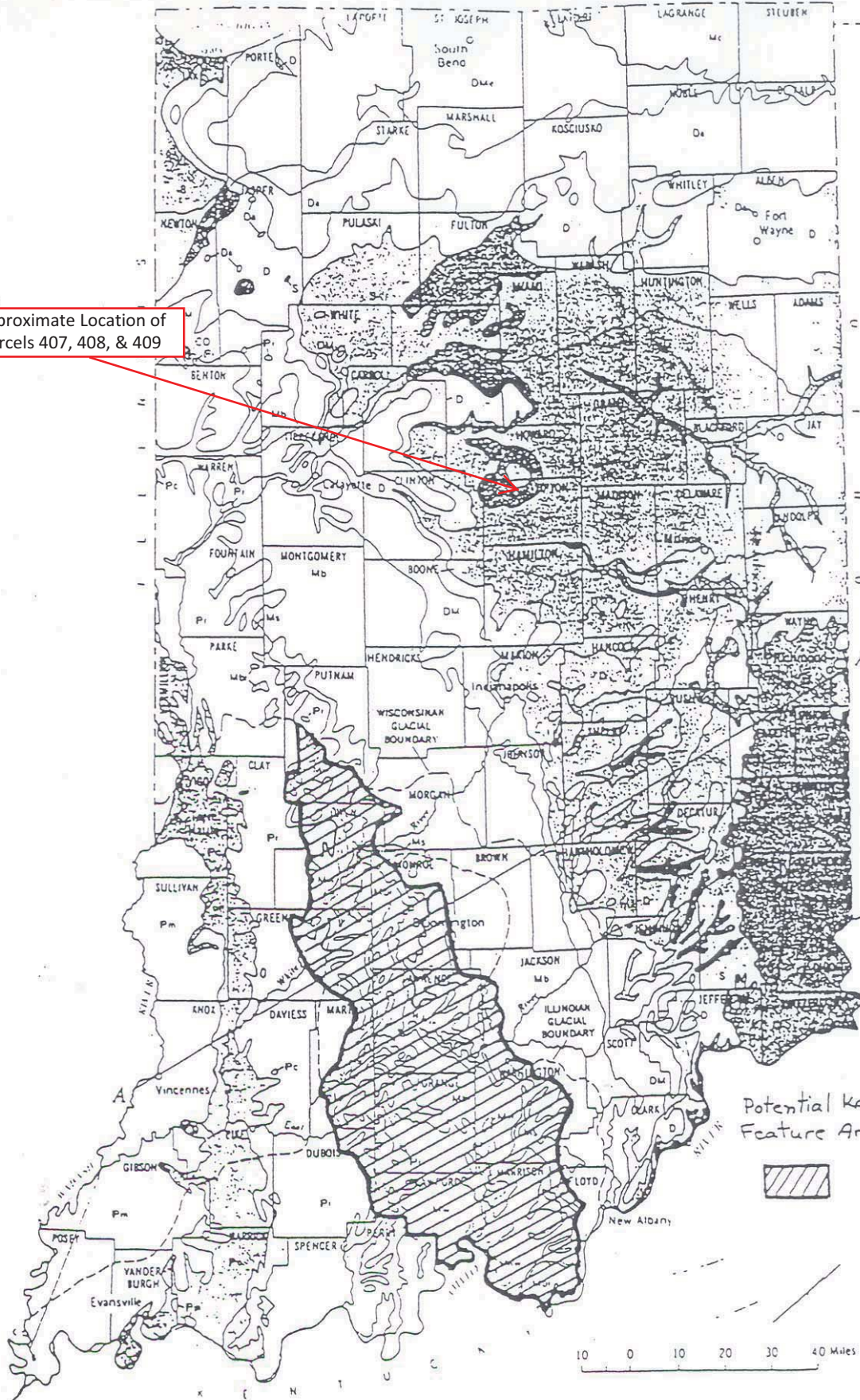
C

Upper Cambrian rocks
Sandstone shale dolomite
Shown on cross section only

oC

Granite, basaltic, and metasedimentary rocks
Shown on cross section only

Approximate Location of
Parcels 407, 408, & 409

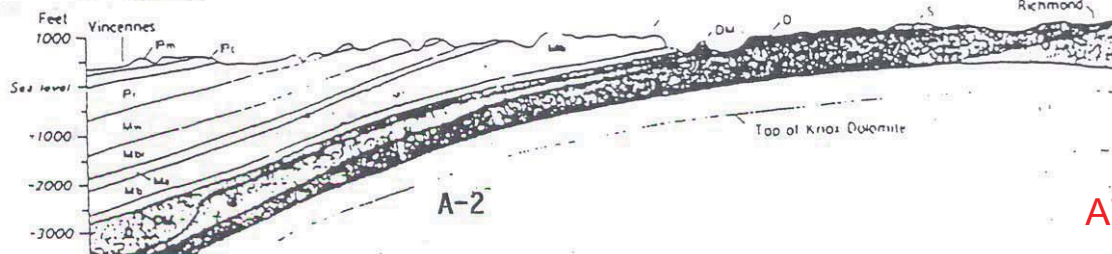


Potential Karst
Feature Area



10 0 10 20 30 40 Miles

A Southwest



A7

Appendix B

Site Photographs



1. Facing southeast from the northwest corner of parcel 407.



2. Facing south from the northwest corner of parcel 407.



3. Facing east from the northwest corner of parcel 407.



4. Facing north from the southwest corner of parcel 407.



5. Facing northeast from the southwest corner of parcel 407.



6. Facing east from the southwest corner of parcel 407.



7. Facing northwest from the southeast corner of parcel 407.



8. Facing west from the southeast corner of parcel 407.



9. Facing northwest from the southeast corner of parcel 407.



10. Facing west from the east side of parcel 407.



11. Facing northwest from the east side of parcel 407.



12. Facing southwest from the northeast corner of parcel 407.



13. Facing west from the northeast corner of parcel 407.



14. Facing south from the northeast corner of parcel 407



15. Facing southwest from the north side of parcel 407.



1. Facing north from the southeast corner of parcel 408.



2. Facing northwest from the southeast corner of parcel 408.



3. Facing west from the southeast corner of parcel 408.



4. Facing east from the southwest corner of parcel 408.



5. Facing northeast from the southwest corner of parcel 408.



6. Facing north from the southwest corner of parcel 408.



7. Facing south from the northwest corner of parcel 408.



8. Facing southeast from the northwest corner of parcel 408.



9. Facing east from the northwest corner of parcel 408.



10. Facing west from the northeast corner of parcel 408.



11. Facing southwest from the northeast corner of parcel 408.



12. Facing south from the northeast corner of parcel 408.



13. Facing east from the west side of parcel 408.



1. Facing north from the southeast corner of parcel 409.



2. Facing northwest from the southeast corner of parcel 409.



3. Facing west from the southeast corner of parcel 409.



4. Facing west from the northeast corner of parcel 409.



5. Facing southwest from the northeast corner of parcel 409.



6. Facing south from the northeast corner of parcel 409.



7. Facing south from the northwest corner of parcel 409.



8. Facing southeast from the northwest corner of parcel 409.



9. Facing east from the northwest corner of parcel 409.



10. Facing east from the west side of parcel 409.



11. Facing east from the southwest corner of parcel 409.



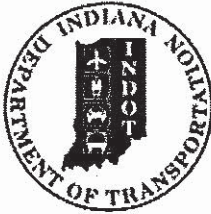
12. Facing northeast from the southwest corner of parcel 409.



13. Facing north from the southwest corner of parcel 409.

Appendix C

Plat Maps and Legal Descriptions of Excess R/W



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

Greenfield District
32 S. Broadway St.
Greenfield, IN 46140

PHONE: (317) 462-7751
FAX: (317) 462-7031

Mitchell E. Daniels, Jr., Governor
Michael B. Cline, Commissioner

June 20, 2012

To: Brandye Hendrickson
Greenfield District Deputy Commissioner

Thru: Ron Raney, Manager
Greenfield District Real Estate Office

From: Michael Rogers
Greenfield District Real Estate Office

RE: Request to Sell Excess Land

Project Des. No.: 0600340
Road: USR 31
Location: REF. POST 900+00 to 902+00 Tipton County
County: Tipton
Parcel: 407 - 408 and 409
Code: 5092

We have received a request to buy land the department acquired as right of way.

The District Deputy Commissioner must decide if the sale of the excess right of way at the referenced location is property the department wants to sell before the Central Office of Property Management can move forward to dispose of the property. Attached please find a right of way plan sheet for the requested referenced property.

At a minimum please address the below concerns:

NO Are there bridge or pipe structures located in the excess R/W INDOT needs to maintain?

NO Are there slopes within the excess R/W that INDOT needs to maintain?

YES Are there other INDOT improvements, sod, concrete, paved ditches etc, within the excess R/W that INDOT needs to maintain? (Building)

If there are no maintenance concerns within the requested area, if the district deputy commissioner wishes to declare the property as excess and if the property is not needed now or expected to be needed in the future, please approve this request by signing on the appropriate line.

If the property is needed now or expected to be needed in the future, please deny this request by signing on the appropriate line.

Please return the attached documents.

Ron Raney

Digitally signed by Ron Raney
DN: cn=Ron Raney, c=US,
o=INDOT, ou=Real Estate Manager,
email=rraney@indot.in.gov
Date: 2012.06.20 06:22:11 -04'00'

APPROVED: _____ DATE: 6-20-2012
DISTRICT REAL ESTATE MANAGER

APPROVED: Brandy Hendrickson DATE: 6-20-12
DISTRICT DEPUTY COMMISSIONER

DENIED: _____ DATE: _____
DISTRICT DEPUTY COMMISSIONER

REASON DENIED: _____

EXHIBIT "A"

Project: 0600340

Sheet 1 of 4

Code: 5092

Parcel: 407 – Excess Land – A part of Record 167, page 809

Form: N/A

Parcel ID#:80-06-06-200-006.000-005

Part of the Northwest Quarter of Section 6, Township 22 North, Range 4 East, Liberty Township, Tipton County, Indiana described as follows: Beginning at the Southwest corner of Lot Sixty-six (66) in Prairie Acres Subdivision, Section 10, an Addition to Liberty Township, Tipton County, Indiana recorded in Miscellaneous Record 63, page 120 marked by a 5/8 inch diameter rebar; thence Southwest 17.05 feet along the North line of Wood Drive as recorded in said Subdivision and a non-tangent 65.00 foot radius curve to the left, the chord of which bears South 79°27'12" West (assumed bearing) 17.00 feet to a 5/8 inch diameter rebar with orange cap stamped "FIRM 0047" (hereafter referred to as rebar); thence Southwest and West 54.77 feet along said North line and a 175.00 foot radius curve to the right, the chord of which bears South 80°54'16" West 54.54 feet to a rebar; thence South 89°46'18" West 285.29 feet along the North right-of-way line of Karen Drive as recorded in Prairie Acres, Section 6, Liberty Township, Tipton County, Indiana recorded in Plat Book 2, page 139 to the East right-of-way of U.S. 31 marked by a rebar; thence North 00°15'07" East 253.74 feet along said right-of-way to the Southwest corner of a parcel described in Deed Record 134, page 374 marked by a rebar; thence South 89°44'53" East 235.80 feet along the South line of said parcel to the Southeast corner thereof marked by a rebar; thence North 00°15'07" East 80.00 feet along the East line of said parcel to the Southwest corner of Lot 67 in Prairie Acres, Section 10 marked by a rebar; thence South 89°44'53" East 120.00 feet along the North line of said Lot to the Northwest corner of Lot 66 in said Subdivision marked by a rebar; thence South 00°15'07" West 319.30 feet along the West line of said Lot 66 to the point of beginning, containing 2.27 acres, more or less.

The above legal description was quoted from Record 167, page 809, in the Office of the Recorder of Tipton County, Indiana, and is depicted on a Recorded Survey, the plat of which is recorded in Record 64, page 91, in the Office of the Recorder of Tipton County, Indiana.

EXHIBIT "A"

Project: 0600340

Sheet 2 of 4

Code: 5092

Parcel: 407 – Excess Land – A part of Record 167, page 809

Form: N/A

Parcel ID#:80-06-06-200-006.000-005

Except, a part of the Northwest Quarter of Section 6, Township 22 North, Range 4 East, Tipton County, Indiana, and being all that part of the above-described 2.270-acre tract and shown on the attached Excess Land Parcel Plat, marked as EXHIBIT "B", described as follows: Commencing at the southwest corner of Lot 66 in Prairie Acres Subdivision, Section 10, an addition to Liberty Township, Tipton County, Indiana, the plat of which is recorded in Miscellaneous Record 63, page 120, in the Office of the Recorder of Tipton County, Indiana; thence along the north boundary of Wood Drive in said Prairie Acres Subdivision, Section 10 Southwesterly 17.05 feet (deduced from said Prairie Acres Subdivision, Section 10, and Prairie Acres Subdivision, Section 7, an addition to Liberty Township, Tipton County, Indiana, the plat of which is recorded in Plat Book 2, page 331, in the Office of the Recorder of Tipton County, Indiana) along an arc to the left having a radius of 65.00 feet and subtended by a long chord having a bearing of South 79 degrees 27 minutes 26 seconds West and a length of 17.00 feet; thence along the boundary of said Wood Drive in said Prairie Acres Subdivision Section 7, Southwesterly 54.77 feet along an arc to the right having a radius of 175.00 feet and subtended by a long chord having a bearing of South 80 degrees 54 minutes 31 seconds West and a length of 54.55 feet to the north boundary of Karen Drive in said Prairie Acres Subdivision, Section 7, and Prairie Acres Subdivision, Section 6, an addition to Liberty Township, Tipton County, Indiana, the plat of which is recorded in Plat Book 2, page 139, in the Office of the Recorder of Tipton County, Indiana; thence South 89 degrees 52 minutes 28 seconds West 143.80 feet along the boundary of said Karen Drive to the point of beginning of this description, designated as point #24 on said plat and as Station 1011+03.84 and Offset 230 feet right of Line 'A' on State Highway Project 0600340 (2009); thence continuing South 89 degrees 52 minutes 28 seconds West 120.00 feet along said boundary to point #1018 designated on said plat and as Station 1011+03.04 and Offset 110.00 feet right of said Line 'A'; thence continuing South 89 degrees 52 minutes 28 seconds West 21.49 feet along said boundary to the east boundary of U.S.R. 31 and the southwest corner the grantor's land, which point is North 0 degrees 15 minutes 17 seconds

EXHIBIT "A"

Project: 0600340

Sheet 3 of 4

Code: 5092

Parcel: 407 – Excess Land – A part of Record 167, page 809

Form: N/A

Parcel ID#:80-06-06-200-006.000-005

East 152.37 feet (along said Line 'A' to the prolonged south line of the grantor's land) and North 89 degrees 52 minutes 28 seconds East 88.51 feet (along said prolonged south line) from point #565 designated on said plat, said southwest corner also being 1401 feet south of the northwest corner of said quarter section as shown in said Prairie Acres Subdivision, Section 7, and said Prairie Acres Subdivision, Section 6; thence North 0 degrees 11 minutes 21 seconds East 253.18 feet (253.74 feet by Record 167, page 809) along the boundary of said U.S.R. 31 to the northwest corner the grantor's land, which point is the southwest corner of a 1.333-acre tract described in Record 166, page 777, in the Office of the Recorder of Tipton County, Indiana, and 48 feet, more or less, (measured at right angles) from the west line of said quarter section as deduced from State Highway Projects F-18(8) (1952) and F-18(13) (1958); thence South 89 degrees 44 minutes 43 seconds East 33.00 feet along the north line of the grantor's land, which line is the south line of said 1.333-acre tract; thence South 11 degrees 33 minutes 53 seconds West 57.19 feet to point #5 designated on said plat and as Station 1013+00 and Offset 110 feet right of said Line 'A'; thence South 0 degrees 15 minutes 17 seconds West 145.00 feet to point #27 designated on said plat and as Station 1011+55 and Offset 110 feet right of said Line 'A'; thence South 89 degrees 44 minutes 43 seconds East 120.00 feet to point #25 designated on said plat and as Station 1011+55 and Offset 230 feet right of said Line 'A'; thence South 0 degrees 15 minutes 17 seconds West 51.16 feet to the point of beginning and containing 0.275 acres, more or less, and containing after said exception 1.995 acres. The basis of bearings for the above-described 0.275-acre tract was taken from the Location Control Route Survey Plat recorded as Instrument #072043, in the Office of the Recorder of Tipton County, Indiana.

However, reserving unto the State of Indiana the right to control access along the lines as shown on the attached Excess Land Parcel Plat, marked as EXHIBIT "B", and the boundary of U.S.R. 31 described as follows: The 57.19-foot course and the 145.00-foot course described above in the legal description of the 0.275-acre parcel. Also, beginning on the south end of said 145.00-foot course described above in the 0.275-acre parcel; thence South 0 degrees 15 minutes

EXHIBIT "A"

Project: 0600340

Sheet 4 of 4

Code: 5092

Parcel: 407 – Excess Land – A part of Record 167, page 809

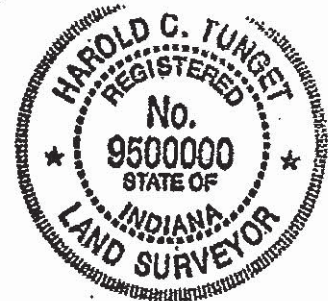
Form: N/A

Parcel ID#:80-06-06-200-006.000-005

17 seconds West 51.96 feet to the north boundary of Karen Drive in said Prairie Acres Subdivision, Section 6; designated as point #1018 on said plat and as Station 1011+03.04 and Offset 110.00 feet right of Line 'A' on State Highway Project 0600340 (2009); thence continuing South 0 degrees 15 minutes 17 seconds West 25.00 feet and terminating on the centerline of said Karen Drive, designated as point #1040 on said plat. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

All bearings in this description which are not quoted from previous instruments are based on the bearing system from State Highway Project 0600340 (2009).

This description was prepared for the Indiana Department of Transportation by Harold C. Tunget, Indiana Registered Land Surveyor, License Number LS29500000, on this 13th day of October, 2011



Harold C. Tunget

Harold C. Tunget

Parcel #: 407
 Project #: 0600340
 Road #: USR#31
 County: TIPTON
 Section: 6
 Township: 22 N.
 Range: 4 E.

EXCESS LAND PARCEL PLAT
EXHIBIT "B"
PAGE 1 OF 2

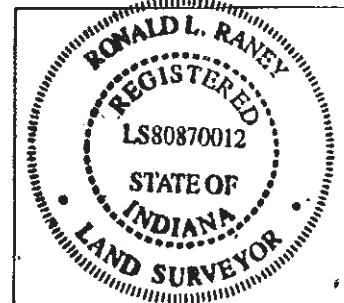
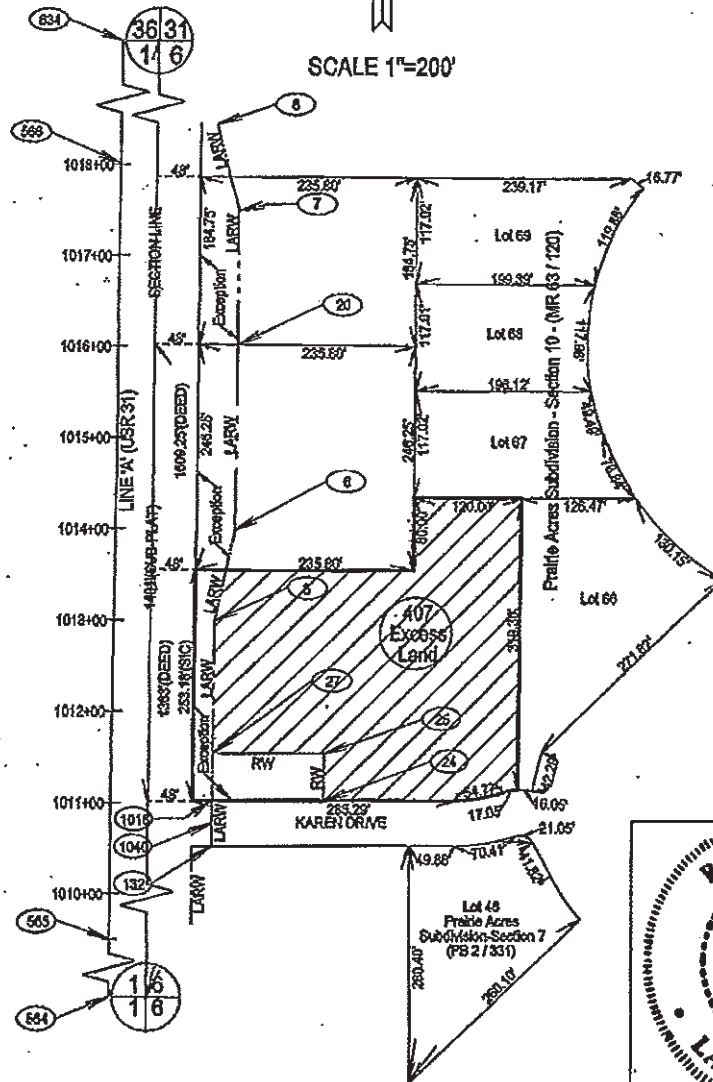
Grantor: STATE OF INDIANA

Code #: 5092
 Des. #: 0600340
 Drawn By: C. TUNGET
 Checked By: R. RANEY



Hatched Area denotes Excess Land

This plat was prepared from information
 obtained from the Recorder's Office &
 other sources which were not necessarily
 checked by a field survey.



SURVEYOR'S STATEMENT: To the best of my knowledge and belief, this plat,
 together with the Location Route Survey Plat recorded as Inst. #072043,
 in the Office of the Recorder of Tipton County, Indiana (Incorporated
 and made a part here-of by reference), comprise a Route Survey executed in
 accordance with Indiana Administrative Code 895 IAC 1-12, ("Rule 12").

Ronald L. Raney 6-20-12
 Harold C. Tunget LS#20500000 Date
RONALD L. RANEY

Parcel #: 407
 Project #: 0600340
 Road #: USR#31
 County: TIPTON
 Section: 6
 Township: 22 N.
 Range: 4 E.

EXCESS LAND PARCEL PLAT
EXHIBIT "B"
PAGE 2 OF 2

Grantor: STATE OF INDIANA

Code #: 5092
 Des. #: 0600340
 Drawn By: C. TUNGET
 Checked By: R. RANEY



Hatched Area denotes
 Excess Land

*This plat was prepared from information
 obtained from the Recorder's Office &
 other sources which were not necessarily
 checked by a field survey.*



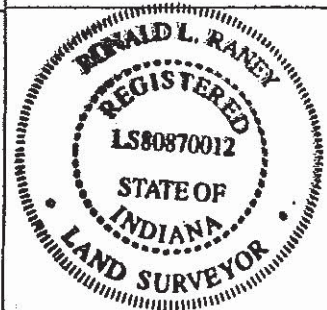
SCALE 1"=200'

POINT COORDINATE CHART (FEET)					
POINT	NORTH	EAST	STATION	OFFSET	CL
5	71815.2621	99895.8936	1013+00.00	110.00	'A'
6	71915.1722	99916.3381	1014+00.00	130.00	'A'
7	72265.1687	99917.8944	1017+50.00	130.00	'A'
8	72360.2790	99893.3171	1018+45.00	105.00	'A'
20	72117.5002	99917.2378	1016+02.33	130.00	'A'
24	71618.5696	100015.0201	1011+03.84	230.00	'A'
25	71669.7300	100015.2476	1011+55.00	230.00	'A'
27	71670.2636	99895.2490	1011+55.00	110.00	'A'
132	71568.3061	99894.7954	1010+53.04	110.00	'A'
1018	71618.3067	99895.0178	1011+03.04	110.00	'A'
1040	71593.3058	99894.9066	1010+78.04	110.00	'A'

564, 565, 566, 634 - See Location Control Route Survey Plat.

Stations & offsets are to control over North & East coordinates & bearings & distances.

SURVEYOR'S STATEMENT: To the best of my knowledge and belief, this plat together with the Location Route Survey Plat recorded as Inst. #072042 in the Office of the Recorder of Tipton County, Indiana (incorporated and made a part here-of by reference), comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").



Ronald L. Raney
 Date 6-20-12
 Ronald L. Raney

EXHIBIT "A"

Project: 0600060040

Sheet 1 of 2

Code: 5092

Parcel: 408 - Excess Land -- A part of Record 166, page 777

Form: N/A

Parcel ID#:80-06-06-200-004.000-005

Part of the Northwest Quarter of Section 6, Township 22 North, Range 4 East, more particularly described as follows: Beginning at a point on the East right of way of U.S. Highway #31, said point being North 1,363 feet and East 40.0 feet from the Southwest corner of the Northwest Quarter of Section 6, Township 22 North, Range 4 East; thence East 235.8 feet to a point; thence North 246.25 feet to a point; thence West 235.8 feet to a point on said East right of way; thence South along said right of way 246.25 feet to the place of beginning, containing 1.333 acres, in Tipton County, Indiana.

The above legal description was quoted from Record 166, page 777, in the Office of the Recorder of Tipton County, Indiana.

Except, a part of the Northwest Quarter of Section 6, Township 22 North, Range 4 East, Tipton County, Indiana, and being all that part of the above-described 1.333-acre tract and shown on the attached Excess Land Parcel Plat, marked as EXHIBIT "B", described as follows: Commencing at point #565 designated on said plat; thence North 0 degrees 15 minutes 17 seconds East 406.14 feet along Line 'A' on State Highway Project 0600340 (2009) to the prolonged south line of the grantor's land; thence North 89 degrees 44 minutes 43 seconds East 88.22 feet along said prolonged south line to Indiana, and the southwest corner the grantor's land and the point of beginning of this description, which point is on the east boundary of U.S.R. 31, the northwest corner of the 2.270-acre tract described in Record 167, page 809, in the Office of the Recorder of Tipton County, 48 feet, more or less, (measured at right angles) from the west line of said quarter section as deduced from State Highway Projects F-18(8) (1952) and F-18(13) (1958); thence North 0 degrees 11 minutes 14 seconds East 246.25 feet along the boundary of said U.S.R. 31 to the northwest corner the grantor's land, which point is the southwest corner of a 1.000-acre tract described in Record 166, page 456, in the Office of the Recorder of Tipton County, Indiana, and 48 feet, more or less, (measured at right angles) from the west line of said quarter section; thence South 89 degrees 44 minutes 43 seconds East 42.07 feet along the north

EXHIBIT "A"

Project: 0600060040

Sheet 2 of 2

Code: 5092

Parcel: 408 - Excess Land - A part of Record 166, page 777

Form: N/A

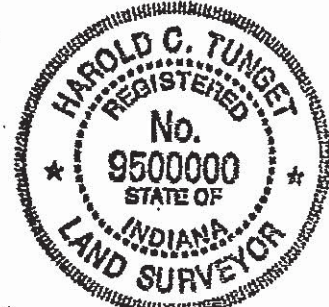
Parcel ID#:80-06-06-200-004.000-005

line of the grantor's land to point #20 designated on said plat and as Station 1016+02.33 and Offset 130 feet right of said Line 'A', which line is the south line of said 1.000-acre tract; thence South 0 degrees 15 minutes 17 seconds West 202.33 feet to point #6 designated on said plat and as Station 1014+00 and Offset 130 feet right of said Line 'A'; thence South 11 degrees 33 minutes 53 seconds West 44.79 feet to the south line of the grantor's land, which line is the north line of said 2.270-acre tract; thence North 89 degrees 44 minutes 43 seconds West 33.00 feet along said south line to the point of beginning and containing 0.233 acres, more or less, and containing after said exception 1.100 acres. The basis of bearings for the above-described 0.233-acre tract was taken from the Location Control Route Survey Plat recorded as Instrument #072043, in the Office of the Recorder of Tipton County, Indiana.

However, reserving unto the State of Indiana the right to control access along the lines as shown on the attached Excess Land Parcel Plat, marked as EXHIBIT "B", and the boundary of U.S.R. 31 described as follows: The 202.33-foot course and the 44.79-foot course described above in the legal description of the 0.233-acre parcel. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

All bearings in this description which are not quoted from previous instruments are based on the bearing system from State Highway Project 0600340 (2009).

This description was prepared for the Indiana Department of Transportation by Harold C. Tunget, Indiana Registered Land Surveyor, License Number LS29500000, on this 13th day of October, 2011



Harold C. Tunget
Harold C. Tunget

Parcel #: 408
 Project #: 0600340
 Road #: USR#31
 County: TIPTON
 Section: 6
 Township: 22 N.
 Range: 4 E.

EXCESS LAND PARCEL PLAT
EXHIBIT "B"
PAGE 1 OF 2

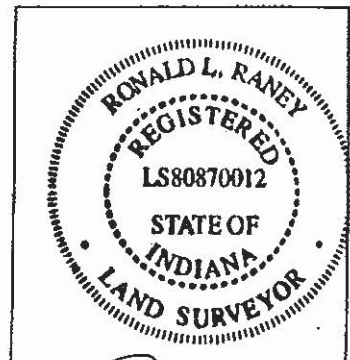
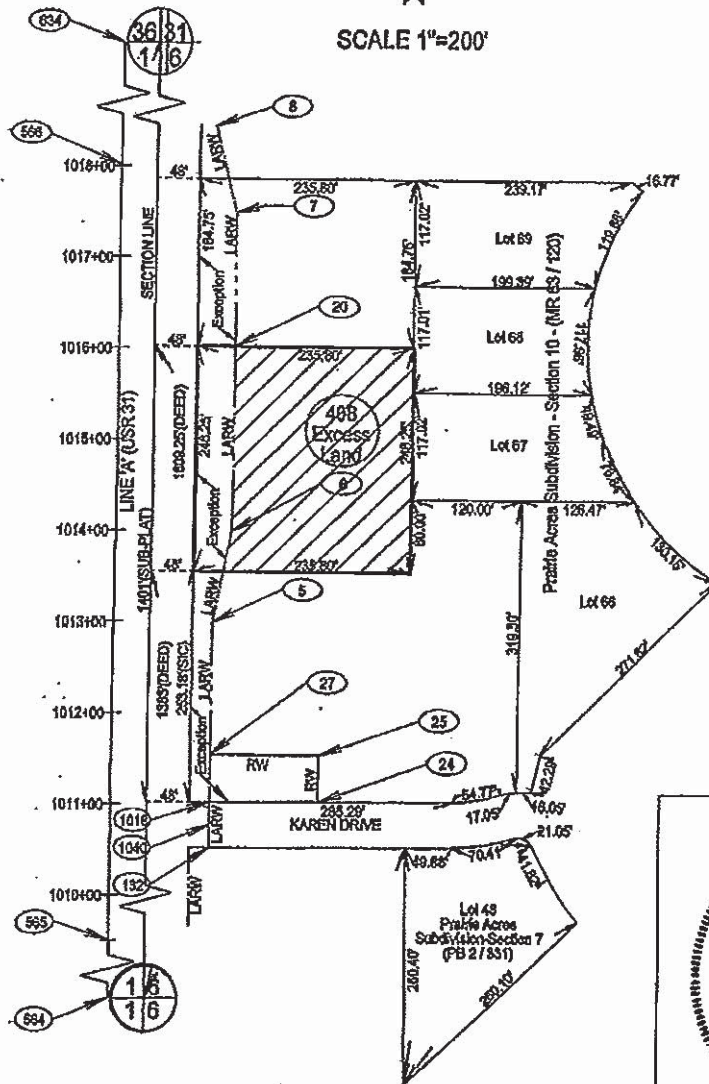
Grantor: STATE OF INDIANA

Code #: 5092
 Des. #: 0600340
 Drawn By: C. TUNGET
 Checked By: R. RANEY

 Hatched Area denotes Excess Land

This plat was prepared from information obtained from the Recorder's Office & other sources which were not necessarily checked by a field survey.

SCALE 1"=200'



SURVEYOR'S STATEMENT: To the best of my knowledge and belief, this plat, together with the Location Route Survey Plat recorded as Inst. #072043, in the Office of the Recorder of Tipton County, Indiana (incorporated and made a part here-of by reference), comprise a Route Survey executed in accordance with Indiana Administrative Code 885IAC 1-12, ("Rule 12").

Ronald L. Raney 6-20-12
 Date
RONALD L. RANEY

Parcel #: 408
 Project #: 0600340
 Road #: USR#31
 County: TIPTON
 Section: 6
 Township: 22 N.
 Range: 4 E.

EXCESS LAND PARCEL PLAT
EXHIBIT "B"
PAGE 2 OF 2

Grantor: STATE OF INDIANA

Code #: 5092
 Des. #: 0600340
 Drawn By: C. TUNGET
 Checked By: R. RANEY



Hatched Area denotes
 Excess Land

*This plat was prepared from information
 obtained from the Recorder's Office &
 other sources which were not necessarily
 checked by a field survey.*



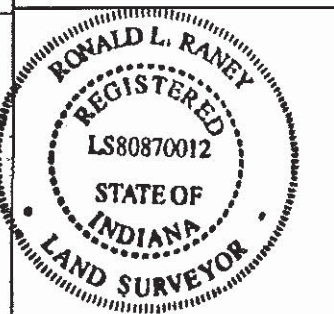
SCALE 1"=200'

POINT COORDINATE CHART (FEET)					
POINT	NORTH	EAST	STATION	OFFSET	CL
5	71815.2621	99895.8936	1013+00.00	110.00	'A'
6	71915.1722	99916.3381	1014+00.00	130.00	'A'
7	72265.1687	99917.8944	1017+50.00	130.00	'A'
8	72360.2790	99893.3171	1018+45.00	105.00	'A'
20	72117.5002	99917.2378	1016+02.33	130.00	'A'
24	71618.5696	100015.0201	1011+03.84	230.00	'A'
25	71669.7300	100015.2476	1011+55.00	230.00	'A'
27	71670.2636	99895.2490	1011+55.00	110.00	'A'
32	71568.3061	99894.7954	1010+53.04	110.00	'A'
1018	71618.3067	99895.0178	1011+03.04	110.00	'A'
1040	71593.3058	99894.9066	1010+78.04	110.00	'A'

564, 565, 566, 634 - See Location Control Route Survey Plat.

Stations & offsets are to control over North & East coordinates & bearings & distances.

SURVEYOR'S STATEMENT: To the best of my knowledge and belief, this plat, together with the Location Route Survey Plat recorded as Inst. #072043, in the Office of the Recorder of Tipton County, Indiana (incorporated and made a part here-of by reference), comprise a Route Survey executed in accordance with Indiana Administrative Code 865IAC 1-12, ("Rule 12").



Ronald L. Raney 6-20-12
 Date
 Ronald L. Raney

EXHIBIT "A"

Project: 0600060040.

Sheet 1 of 2

Code: 5092

Parcel: 409 - Excess Land — A part of Record 166, page 456

Form: N/A

Parcel ID#:80-06-06-200-003.000-005

A part of the Northwest Quarter of Section 6, Township 22 North, Range 4 East, more particularly described as follows: Beginning at a point on the East right-of-way of U. S. Highway #31, said point being North 1609.25 feet and East 40 feet from the Southwest Corner of the Northwest Quarter of Section 6, Township 22 North, Range 4 East; thence East 235.8 feet to a point; thence North 184.75 feet to a point; thence West 235.8 feet to a point on the East right-of-way of said Highway #31; thence South along said right-of-way 184.75 feet to the place of beginning, containing 1.00 acre, more or less in Tipton County, Indiana.

The above legal description was quoted from Record 166, page 456, in the Office of the Recorder of Tipton County, Indiana.

Except, a part of the Northwest Quarter of Section 6, Township 22 North, Range 4 East, Tipton County, Indiana, and being all that part of the above-described 1.000-acre tract and shown on the attached Excess Land Parcel Plat, marked as EXHIBIT "B", described as follows: Commencing at point #565 designated on said plat; thence North 0 degrees 15 minutes 17 seconds East 652.39 feet along Line 'A' on State Highway Project 0600340 (2009) to the prolonged south line of the grantor's land; thence North 89 degrees 44 minutes 43 seconds East 87.93 feet along said prolonged south line to the southwest corner the grantor's land and the point of beginning of this description, which point is on the east boundary of U.S.R. 31, the northwest corner of the 1.333-acre tract described in Record 166, page 777, in the Office of the Recorder of Tipton County, Indiana, and 48 feet, more or less, (measured at right angles) from the west line of said quarter section; thence North 0 degrees 11 minutes 12 seconds East 184.75 feet along the boundary of said U.S.R. 31 to the northwest corner the grantor's land, which point is the southwest corner of a 7.860-acre tract described in a Recorded Survey in Record 57, page 866, in the Office of the Recorder of Tipton County, Indiana, and 48 feet, more or less, (measured at right angles) from the west line of said quarter section; thence South 89 degrees 44 minutes 43 seconds East 32.53 feet along the north line of the grantor's land, which line is the south line of

EXHIBIT "A"

Project: 0600060040

Sheet 2 of 2

Code: 5092

Parcel: 409 - Excess Land - A part of Record 166, page 456

Form: N/A

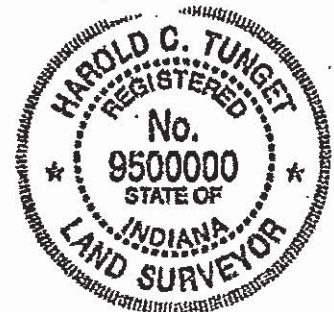
Parcel ID#:80-06-06-200-003.000-005

said 7.860-acre tract; thence South 14 degrees 29 minutes 20 seconds East 38.34 feet to point #7 designated on said plat and as Station 1017+50 and Offset 130 feet Right of said Line 'A'; thence South 0 degrees 15 minutes 17 seconds West 147.67 feet to the south line of the grantor's land and point #20 designated on said plat and as Station 1016+02.33 and Offset 130 feet right of said Line 'A', which line is the north line of said 1.333-acre tract; thence North 89 degrees 44 minutes 43 seconds West 42.07 feet along said south line to the point of beginning and containing 0.175 acres, more or less, and containing after said exception 0.825 acres. The basis of bearings for the above-described 0.175-acre tract was taken from the Location Control Route Survey Plat recorded as Instrument #072043, in the Office of the Recorder of Tipton County, Indiana.

However, reserving unto the State of Indiana the right to control access along the lines as shown on the attached Excess Land Parcel Plat, marked as EXHIBIT "B", and the boundary of U.S.R. 31 described as follows: The 38.34 -foot course and the 147.67 -foot course described above in the legal description of the 0.175-acre parcel. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

All bearings in this description which are not quoted from previous instruments are based on the bearing system from State Highway Project 0600340 (2009).

This description was prepared for the Indiana Department of Transportation by Harold C. Tunget, Indiana Registered Land Surveyor, License Number LS29500000, on this 13th day of October, 2011



Harold C. Tunget
Harold C. Tunget

Parcel #: 409
 Project #: 0600340
 Road #: USR#31
 County: TIPTON
 Section: 6
 Township: 22 N.
 Range: 4 E.

EXCESS LAND PARCEL PLAT
EXHIBIT "B"
PAGE 2 OF 2

Code #: 5092
 Des. #: 0600340
 Drawn By: C. TUNGET
 Checked By: R. RANEY

Grantor: STATE OF INDIANA



Hatched Area denotes
 Excess Land

*This plat was prepared from information
 obtained from the Recorder's Office &
 other sources which were not necessarily
 checked by a field survey.*



SCALE 1"=200'

POINT-COORDINATE CHART (FEET)					
POINT	NORTH	EAST	STATION	OFFSET	CL
5	71815.2621	99895.8936	1013+00.00	110.00	'A'
6	71915.1722	99916.3381	1014+00.00	130.00	'A'
7	72265.1687	99917.8944	1017+50.00	130.00	'A'
8	72360.2790	99893.3171	1018+45.00	105.00	'A'
20	72117.5002	99917.2378	1016+02.33	130.00	'A'
24	71618.5696	100015.0201	1011+03.84	230.00	'A'
25	71669.7300	100015.2476	1011+55.00	230.00	'A'
27	71670.2636	99895.2490	1011+55.00	110.00	'A'
132	71568.3061	99894.7954	1010+53.04	110.00	'A'
1018	71618.3067	99895.0178	1011+03.04	110.00	'A'
1040	71593.3058	99894.9066	1010+78.04	110.00	'A'

564, 565, 566, 634 - See Location Control Route Survey Plat.

Stations & offsets are to control over North & East coordinates & bearings & distances.
 SURVEYOR'S STATEMENT: To the best of my knowledge and belief, this plat,
 together with the Location Route Survey Plat recorded as Inst. #072043,
 in the Office of the Recorder of Tipton County, Indiana (incorporated
 and made a part here-of by reference), comprise a Route Survey executed in
 accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").



Ronald L. Raney 6-20-12
 Date
 Ronald L. Raney

Appendix D

Cultural Resources: Previous Studies

Lawson, Aaron C.

From: Kennedy, Mary
Sent: Tuesday, July 17, 2012 3:06 PM
To: Lawson, Aaron C.
Cc: Miller, Shaun (INDOT); Carpenter, Patrick A
Subject: RE: LA Code 5092; Sale of Excess INDOT R/W Parcels 407, 408, 409 - US 31 Tipton Co.

Aaron:

With regard to above-ground resources, these parcels were previously examined by the original US 31 Kokomo Bypass Corridor above-ground survey (ASC Group, Sept. 16, 2004). They are located well within the Area of Potential Effects (APE) examined for the original project. As you can see from the HPR excerpt that I placed in PW, no National Register eligible properties are located on these parcels: [Des. No. 0200094 HPR Excerpt Sept. 2004.pdf](#). The SHPO response to the HPR has been placed here: [SHPO Letter Des. No. 0200094 10-20-04.pdf](#).

Based on the above information, no above-ground concerns exist. You can reference the information above in your environmental document for these parcels with no additional work needed. Please let us know if you have any questions or need further information.

Mary E. Kennedy
Indiana Department of Transportation
(317) 232-5215
mkennedy@indot.in.gov

From: Miller, Shaun (INDOT)
Sent: Monday, July 16, 2012 10:05 AM
To: Lawson, Aaron C.; Carpenter, Patrick A
Cc: Kennedy, Mary
Subject: RE: LA Code 5092; Sale of Excess INDOT R/W Parcels 407, 408, 409 - US 31 Tipton Co.

Aaron, << File: 201207160951.pdf >>

With regards to archeological resources, these parcels were included in the archaeological survey of the US 31 Kokomo Bypass Corridor (see attached). The parcels were determined to be disturbed by ASC Group and no further archaeological work is necessary. SHPO cleared these parcels in their concurrence letter with the overall archaeological findings in 2009. That letter is in PW through this link: [3. IN20061202.IDNR.Comments on Arch and WorkPlan.pdf](#)

Thank you,

Shaun Miller
INDOT, Cultural Resources Office
Archaeological Team Leader
(317)233-6795
smiller@indot.in.gov

From: Lawson, Aaron C.
Sent: Thursday, July 12, 2012 9:30 AM
To: Carpenter, Patrick A
Cc: Kennedy, Mary; Miller, Shaun (INDOT)
Subject: LA Code 5092; Sale of Excess INDOT R/W Parcels 407, 408, 409 - US 31 Tipton Co.

Patrick,
INDOT intends on selling 3.880 acres of excess R/W (Parcels 407, 408, & 409) along US 31 in Tipton County, but before the sale can be completed the R/W needs to be reviewed by the Cultural Resource Office. This action will not involve construction, excavation, or demolition of any kind. These three parcels were acquired by INDOT in 2011 for the US 31 new road construction project (new Kokomo bypass) under Des 0600340.

I have prepared project data for your review, which can be found in ProjectWise via the link below.

[Project Data LA Code 5092.pdf](#)

Thank You

***Aaron C. Lawson
INDOT/Greenfield District
Environmental Manager II
32 S. Broadway St.
Greenfield, IN 46140
email: alawson@indot.IN.gov
317-467-3929, Fax: 317-467-3955***

**Addendum To: Phase I Archaeological Survey for the
Proposed US 31 Kokomo Corridor Project (Multiple Des.
No.) in Howard, Clay, Center, Taylor, and Harrison
Townships in Howard County and Liberty and Prairie
Townships in Tipton County, Indiana and the Tudor Drain
Wetland Mitigation Site (Des. No. 0901413) in Center
Township, Howard County, Indiana
and
Phase Ic Work Plan for Deep Testing along the US 31
Kokomo Corridor Project
By**

**Jim Snyder, MA, and
Douglas Terpstra, MS**

Addendum To: Phase I Archaeological Survey for the Proposed US 31 Kokomo Corridor Project (Multiple Des. No.) in Howard, Clay, Center, Taylor, and Harrison Townships in Howard County and Liberty and Prairie Townships in Tipton County, Indiana and the Tudor Drain Wetland Mitigation Site (Des. No. 0901413) in Center Township, Howard County, Indiana

and

Phase Ic Work Plan for Deep Testing along the US 31 Kokomo Corridor Project

By

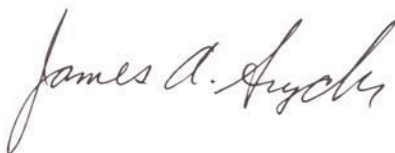
**Jim Snyder, MA, and
Douglas Terpstra, MS**

**Submitted By:
Luella Beth Hillen
Project Manager
ASC Group, Inc.
6330 East 75th Street, Suite 100
Indianapolis, Indiana 46250
317.915.9300
BHillen@ascgroup.net**

**Submitted To:
American Structurepoint
7260 Shadeland Station
Indianapolis, Indiana 46256
317.547.5580**

Lead Agency: Indiana Department of Transportation

October 26, 2009



James A. Snyder, MA, Principal Investigator

ABSTRACT

In July and August 2009, while under contract with American Structurepoint, ASC Group, Inc, completed a Phase Ia archaeological survey for the proposed US 31 Kokomo Bypass Corridor in Tipton and Howard counties, Indiana (Multiple Des. No. [see Table 1]) and the Tudor Drain Wetland Mitigation Site (Des. No. 0901413) in Howard County, Indiana. The 29 areas surveyed varied greatly in size and shape, and were scattered throughout the approximately 20.9-km (12.9- mi) long corridor. A total of approximately 114.5 ha (283 ac) was examined for the additional areas while the Tudor Drain Wetland Mitigation Site comprised 8.7 ha (21.4 ac). The Kokomo Bypass project begins at CR 600S in Tipton County in Section 6, Township 23N, Range 4E (1994 Kokomo East USGS quadrangle) in Liberty Township south of Kokomo and traverses Taylor, Howard, and Clay townships. It ends just north of the US 31/US 35 intersection north of Kokomo in Section 6, Township 24N, Range 4E in Howard Township (1994 Galveston USGS quadrangle).

Six archaeological sites were investigated by the current investigation, although five of these had been previously investigated and recommended not eligible for the NRHP. The DHPA agreed with these recommendations. None of the previously recorded sites (12Ho288, 12Ho292, 12Ho293, 12Ho295, and 12Ho302) were found to contain any significant additional information that would change the existing not eligible recommendation. Site 12Ho317 includes a large mid-nineteenth century to present historic artifact scatter, an extant house, and the remains of building foundations recorded by the current investigation. Based on the moderate artifact density, the lack of interpretable variation between early and late site components, the absence of features or in situ deposits, recent origin, site assemblages that represent many decades (or are temporally indistinct), or display severe impacts from cultivation, it is doubtful that further investigation of this historic site will yield additional information of any significance. Consequently, 12Ho317 is recommended not eligible for inclusion in the NRHP.

Deep testing is still recommended in the floodplains of Wildcat, Kokomo, and the East Fork of Little Wildcat creeks in order determine if buried soils likely to contain cultural material are present in the US 31 Bypass Corridor. Behrend et al. (2006) recommended that these floodplains be deep tested and the DHPA agreed with this recommendation.

Other than the Phase Ic investigation, no additional archaeological investigations are recommended for the US 31 Kokomo Bypass Corridor. However, in the unlikely event that archaeological deposits or human remains are encountered during the construction phase of the project, all work must cease and archaeologists from the Indiana Department of Transportation-Cultural Resources Section (INDOT) and the Indiana Department of Natural Resources-Division of Historic Preservation and Archaeology (INDR-DHPA) must be notified.

Lacking an associated and interpretable artifact assemblage, and in light of the apparent and documented levels of disturbance within the yard area, it is not likely that additional investigation of the ca. 1920 to 1960 foundation remains will produce significant archaeological data. It is also unlikely that additional exploration of the plow zone artifact scatter to the east of the foundations will reveal structural evidence of the earlier occupation. Based on the historic atlases, the artifact scatter and the partial concrete foundation remains are in the same location as the easternmost structure shown on the The Bookmark (1976 [1877]) and the Bergendahl (1899) maps. This structure also appears on the current topographic map. No evidence of a nineteenth-century foundation was observed in the location of the scatter. The remains of the foundation documented in the yard are concrete, which strongly indicates a twentieth-century building episode, likely after ca. 1920. This concrete foundation is in the same location as the nineteenth-century structure on the maps, indicating that the concrete foundation was placed over the nineteenth century foundation. It is very likely that the modern concrete foundation has impacted evidence of an earlier structure.

The extant house was found to be more than 50 years in age with a construction date of ca. 1945. It is a one-story front-gabled vernacular residence with replacement siding. It was not inventoried due to loss of integrity (Terpstra et al. 2004) and consequently, the extant house is likely not eligible for the NRHP. As the foundation remnants are constructed from concrete, which as a general rule was not used for widespread construction until ca. 1920, they are likely associated with the late occupation of the site. No artifacts were recovered that can be associated with the foundations or the extant house. It is likely that the site was stripped of topsoil and this is why no artifacts were located associated with the foundation remnants and why there is a lowered portion of the yard. Based on the shovel probing a significant amount of disturbance has occurred at the site as 40.6 percent of the shovel probes were found to be disturbed. Consequently, the site is recommended not eligible for listing on the NRHP and no further work is warranted.

CURATION

All notes photographs, and artifacts generated during the project by ASC Group, Inc., will be curated at the Indiana State Museum, Indianapolis, pending landowner donation of the artifacts.

SUMMARY AND INTERPRETATION OF FINDINGS

In July and August 2009, ASC Group completed a Phase Ia archaeological survey for the proposed US 31 Kokomo Bypass Corridor in Tipton and Howard counties, Indiana (Multiple Des. No. [see Table 1]) and the Tudor Drain Wetland Mitigation Site (Des. No. 0901413) in Howard

County, Indiana. The 29 areas surveyed varied greatly in size and shape, and were scattered throughout the approximately 20.9 km (12.9 mi) long corridor. A total of approximately 114.5 ha (283 ac) was examined for the additional areas while the Tudor Drain Wetland Mitigation Site comprised 8.7 ha (21.4 ac). The Kokomo Bypass project begins at CR 600S in Tipton County in Section 6, Township 23N, Range 4E (1994 Kokomo East USGS quadrangle) in Liberty Township south of Kokomo and traverses Taylor, Howard, and Clay townships. It ends just north of the US 31/US 35 intersection north of Kokomo in Section 6, Township 24N, Range 4E in Howard Township (1994 Galveston USGS quadrangle).

The survey resulted in the excavation of 324 shovel probes, eight soil cores, the resurvey of five previously recorded archaeological sites (12Ho288, 12Ho292, 12Ho293, 12Ho295, and 12Ho302), and the recording of one archaeological site (12Ho317). An evaluation of the sites investigated during the survey in terms of the NRHP criteria of significance is below (Andrus 1997). These criteria are:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and

- a) that are associated with events that have made a significant contribution to the broad patterns of our history; or
- b) that are associated with the lives of persons significant in our past; or
- c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) that have yielded, or may be likely to yield, information important in prehistory or history.

Criterion D is typically the most applicable evaluation criterion for archaeological properties. In general, only sites containing intact subsurface deposits, either features or middens, are likely to yield “information important in prehistory or history,” or in other words, are likely to yield data that can be used to address questions of current research interest. The likelihood of a site retaining intact subsurface deposits depends, in turn, on how intensively the site was occupied, its role within the subsistence/settlement system in which it functioned, and, of course, the degree to which it has been disturbed. Site condition and depositional integrity are key factors in evaluating site significance.

Six archaeological sites were investigated by the current investigation, although five of these had been previously investigated and recommended not eligible for the NRHP. The DHPA agreed

with these recommendations. None of the previously recorded sites (12Ho288, 12Ho292, 12Ho293, 12Ho295, and 12Ho302) were found to contain any significant additional information that would change the existing not eligible recommendation.

Site 12Ho317 is large mid-nineteenth century to mid-twentieth century artifact scatter, with an extant house, and the remains of building foundations recorded by the current investigation. Based on the lack of interpretable variation between early and late site components, the disturbed nature of deposits from cultivation and the likely removal of the original soil surrounding the foundation remnants, recent origin (ca. 1920–1960), site assemblages that represent many decades or are temporally indistinct, or display severe impacts from cultivation, it is doubtful that further investigation of this historic site will yield additional information of any significance. Consequently, 12Ho317 is recommended not eligible for inclusion in the NRHP.

Deep testing is still recommended in the floodplains of Wildcat, Kokomo, and the East Fork of Little Wildcat creeks in order determine if buried soils likely to contain cultural material are present in the US 31 Bypass Corridor. Behrend et al. (2006) recommended that these floodplains be deep tested and the DHPA agreed with this recommendation. At detailed Phase Ic work plan is presented in Appendix A.

Other than the Phase Ic investigation no additional archaeological investigations are recommended for the US 31 Kokomo Bypass Corridor. However, in the unlikely event that archaeological deposits or human remains are encountered during the construction phase of the project, all work must cease and archaeologists from the INDOT and the DHPA must be notified.



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhp@dnr.IN.gov

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director



November 16, 2009

Christine A. Meador
Environmental Project Manager
American Structurepoint, Inc.
7260 Shadeland Station
Indianapolis, Indiana 46256-3957

Federal Agency: Federal Highway Administration ("FHWA")

Re: Historic properties report (Nelson, 9/24/09) for the US 31 Kokomo Corridor additional areas, Tudor Drain wetland mitigation area (DES NO. 0901413) and addendum Phase I Archaeological survey report (Snyder & Terpstra, 10/26/09) and Phase 1c work plan (Snyder, 10/16/09) for deep testing for the proposed US 31 Kokomo corridor project (Project #nh-153-2 [041]; Designation #0200094 and #0901413; DHPA #1123)

Dear Ms. Meador:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation, the Indiana State Historic Preservation Officer regarding the implementation of the Federal Aid Highway Program in the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated October 28, 2009 and received on October 30, 2009, for the above indicated project near Kokomo in Howard and Tipton County, Indiana.

In regard to the addendum Phase 1 archaeological survey report (Snyder & Terpstra, 10/26/09), we concur that sites 12Ho288, 12Ho292, 12H293, 12H295, and 12H302 are not eligible for the National Register of Historic Places. The following points are relevant regarding the Snyder & Terpstra (10/26/09) report:

- 1) P. 1- Please note that 312 IAC 21 and 312 IAC 22 are the rules which accompany Indiana Code (IC) 14-21-1.
- 2) P.65- If the landowner would wish to retain ownership of any of the artifacts which are recovered and not placed into permanent curation at a qualified curational facility, additional and more detailed analyses and documentation of the artifacts will be necessary. The archaeologist must consult with the Division of Historic Preservation and Archaeology regarding these additional analyses and documentation. All original notes, records, photographs, artifacts not retained by the landowner, etc. from the site will be curated at a qualified curational facility. Copies of the documentation may be given to the landowner.

No further archaeological investigations are needed at the sites mentioned above or in the other areas addressed in the Snyder & Terpstra (10/26/09) report, with the exception of the areas proposed for Phase 1c archaeological investigation.

In regard to the Phase 1c archaeological work plan (Snyder, 10/17/09), the plan is acceptable with the following clarifications and conditions:

- 1) The archaeological investigations must be done in accordance with the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716).
- 2) If any human remains dating before December 31, 1939 are encountered, the discovery must be reported to the Indiana Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. If human remains or burials are discovered, the relevant state statutes, including IC 23-14 and IC 14-21-1, will be adhered to.

- 3) Any proposed revision of this plan must be submitted to this office, in writing, for review and comment, in advance of implementation in the field.
- 4) Completed state archaeological site forms will be entered into SHAARD.
- 5) P. 9- If the landowner would wish to retain ownership of any of the artifacts which are recovered and not placed into permanent curation at a qualified curational facility, additional and more detailed analyses and documentation of the artifacts will be necessary. The archaeologist must consult with the Division of Historic Preservation and Archaeology regarding these additional analyses and documentation. All original notes, records, photographs, artifacts not retained by the landowner, etc. from the site will be curated at a qualified curational facility. Copies of the documentation may be given to the landowner.
- 6) All relevant data will be tied to a permanent datum.
- 7) All trench walls and floors need to be hand scraped to clearly determine the presence of archaeological deposits.
- 8) All artifacts encountered during the subsurface investigation need to be collected and bagged by provenience.
- 9) All features exposed in the plan view of the trench/unit profiles must be excavated.

Once the report for the completed Phase Ic investigations is received, the Indiana SHPO will resume identification and evaluation procedures for this project.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

In regard to buildings and structures, we concur with American Structurepoint's assessment that AL002, AL003, AL004 (IHSSI #067-322-50033), and AL005 are not eligible for inclusion in the National Register of Historic Places. Additionally, we concur with American Structurepoint's assessment that AL001 (IHSSI #067-230-15001) is eligible for inclusion in the National Register of Historic Places.

However, we do not concur with American Structurepoint's assessment that AL006 (IHSSI # 067-322-50034) is not eligible for inclusion in the National Register of Historic Places; we believe that the structure is eligible for the National Register. The building retains much of its original detailing, including windows, window surrounds, and ornately decorated side porches. We agree that the recent (post-2003) application of vinyl siding detracts from the building's integrity; however, we do not feel that the exterior synthetic siding treatment would necessarily exclude the building from the National Register. Rather, we feel that the use of brick-patterned asphalt siding was a latter addition (use dates to mid-1930s to 1960s), and that vinyl siding more closely reflects what likely was wood clapboard siding.

Based on the information provided to our office, we believe that there may be effects on the characteristics of the above identified historic properties that qualify them for inclusion in or eligibility for the National Register (*see* 36 C.F.R. § 800.16[i]). To enable us to provide views on the effects 36 C.F.R. § 800.4(d)(2) for your agency, please provide the following information:

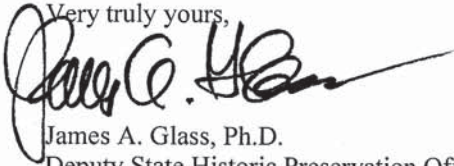
- 1) In regards to Location #2 and Location #8, a verbal description of the "design changes to the preferred alternative" that have necessitated the additional APEs.
- 2) A detailed site plan, drawn to scale, showing the footprint or face of the properties in relation to the preferred alternative as developed in the Final EIS and the currently proposed design changes (e.g., roadway, right-of-way, driveways, etc.).

Once the indicated information is received, the Indiana SHPO will resume identification and evaluation procedures for this project. Please keep in mind that additional information may be requested in the future.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Amy Johnson at

(317) 232-6982 or ajohnson@dnr.IN.gov. If you have questions about buildings or structures please contact Shawn Niemi at (317) 234-6705 or sniemi@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #1123.

Very truly yours,

A handwritten signature in black ink, appearing to read "James A. Glass", with a long, sweeping horizontal line extending to the right.

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:SEN:ALJ:aj

cc: Staffan Peterson, Indiana Department of Transportation
emc: Jim Snyder, ASC Group, Inc.
Louella Beth Hillen, ASC Group, Inc.

**Architectural Survey for the Proposed US 31 Kokomo Corridor Project
[Des. No. 0200094, Project No. NH-153-2 (041)] in Howard, Clay, Center, Taylor, and
Harrison Townships, Howard County, and Liberty and Prairie Townships,
Tipton County, Indiana**

By

**Douglas Terpstra, M.S., Rachel Bankowitz, M.S., and
Lori O. Thursby, M.A.H.**

Submitted By:

**Shaune M. Skinner, M.A., RPA
Project Manager
ASC Group, Inc.
4620 Indianola Avenue
Columbus, Ohio 43214
(614) 268-2514**

Submitted To:

**Parsons
902 North Capitol Avenue, Suite 301
Indianapolis, Indiana 46204
(317) 616-1000**

Lead Agency: Indiana Department of Transportation

September 16, 2004

0.1 EXECUTIVE SUMMARY

Under contract with Parsons, ASC Group, Inc., has surveyed architectural resources in the US 31 Kokomo Corridor project in the counties of Howard and Tipton, Indiana [Des. No. 0200094, Project No. NH-153-2 (041)]. The Area of Potential Effects encompasses two primary corridors containing five possible alternatives for the construction of US 31 bypass around Kokomo. The alternatives (known as E, F, G, I, and J) being evaluated are eastern bypasses of the existing US 31 corridor through the city of Kokomo and Howard County. The five alternatives are each approximately 13 miles in length. Alternatives E and F share the same corridor with the exception of the northern tie-in with existing US 31. The Alternative E and F corridor is located approximately 1.2 miles east of existing US 31, paralleling County Road (CR) 200 East. The southern tie-in for this corridor is south of State Route (SR) 26 in the vicinity of the Howard/Tipton county line (CR 500 S/CR 700 N). Alternative E has a northern tie-in with the existing corridor at CR 300 N while Alternative F rejoins existing US 31 north of the US 35 northern junction. Alternative G is located approximately 2.0 miles east of the existing US 31 and parallels CR 300 E. The southern tie-in for this corridor is south of SR 26 in Tipton County, in the vicinity of CR 600 N. Alternative G rejoins existing US 31 north of the US 35 northern junction. Alternatives I and J are combinations of the previously discussed alternatives. Alternative I comprises the southern portion of Alternative G and the northern portion of Alternative E. Therefore, this alternative has a southern tie-in south of the Howard/Tipton county line (CR 500 S/CR 700 N) in the vicinity of CR 600 N in Tipton County and a northern tie-in with the existing corridor at CR 300 N. The location of this alternative east of existing US 31 varies from approximately 2.0 miles to 1.2 miles, paralleling CR 300 E and CR 200 E. Alternative J includes the southern portion of Alternative G and the northern portion of Alternative F. The result of this combination of alternatives is a southern tie-in south of SR 26 in Tipton County in the vicinity of CR 600 N and a northern tie-in north of the US 35 northern junction. The location of this alternative east of existing US 31 varies from approximately 2.0 miles to 1.2 miles, paralleling CR 300 E and CR 200 E. The total width of each alternative is 300 feet with varying widths at proposed interchange locations. The Area of Potential Effects is a 3,000-ft wide corridor encompassing each alternative route.

The field crew identified architectural resources in the Area of Potential Effects. All resources were evaluated to determine whether they were of a minimum age to be eligible for listing on the National Register of Historic Places, i.e., at least 50 years of age. All pre-1954 properties were further evaluated to determine whether they retained sufficient integrity to warrant the completion of an inventory form. Properties that were judged to lack integrity or that had been previously inventoried were photographed using a digital camera. Properties not previously inventoried that displayed an association with an area of significance and retained integrity were inventoried using Indiana Historic Sites and Structures Inventory forms and were photographed using black-and-white film.

Supervisory Architectural Historian Douglas Terpstra, M.S., and Assistant Architectural Historian Rachel Bankowitz, M.S., conducted the architectural survey on April 7–9, 20–23, and 27–28, 2004, under the supervision of Lori O. Thursby, M.A.H., principal investigator. A total of 150 buildings, structures, sites, or building complexes more than 50 years of age were identified within the Area of Potential Effects. Ten of these properties were inventoried during the Howard County survey published in 2003 (Historic Landmark Foundation of Indiana [HLFI])

2003). An additional property was inventoried during that survey, but has since been demolished (067-322-50032). The present survey inventoried 15 properties in Howard County (067-404-10038 to -10041, 067-322-10042 to -10043, 067-323-35020, 067-404-40022 to -40023, 067-322-50035 to -50040) and three properties in Tipton County (159-323-10001 to -10003).

Three buildings located in the Area of Potential Effects are eligible for the National Register of Historic Places. They include:

- 067-322-40017 is a T-plan Italianate-style house located in the Area of Potential Effects of Alternative E and Alternative F. Alternatives I and J also share the Alternatives E and F corridor at this location. The house is an excellent example of the Italianate style and features elements of the style such as a moderate pitched hipped roof; a frieze with brackets; tall and narrow windows with segmental arch lintels; and small ornate porches. Due to its architectural significance, the house is eligible for the National Register of Historic Places under Criterion C.
- 067-322-50037 is a T-plan Italianate-style house located in the Area of Potential Effects of Alternative G. The house is an outstanding example of the Italianate style and features characteristic elements of the style that include a low-pitched hipped roof; a frieze with brackets, molding, and panels; tall, narrow windows with segmental arch lintels; and small ornate porches. Although not specifically diagnostic of the style, the decorative slate roof is a distinctive late-nineteenth century feature. Due to its architectural significance, the house is eligible for the National Register of Historic Places under Criterion C.
- 159-323-10003 is a round barn at the Kelley Agricultural Historical Museum that is located in the Area of Potential Effects of Alternatives G, I, and J. It is an excellent example of a round barn, and is one of only three known remaining round barns in Howard and Tipton counties. Although the barn was relocated from its original property, its current location is still associated with agriculture. In addition, the barn retains its horizontal wood siding and two-pitch, self-supporting gambrel roof with wood shingles. This round barn meets the registration requirements specified in the National Register of Historic Places Round and Polygonal Barns of Indiana Multiple Property Documentation. It is eligible under Criterion C as an excellent representative of a unique barn type, and under Criteria Consideration B for moved properties because it derives its significance from its architectural value and is sited within an agricultural setting.

The remaining properties lack significance and/or integrity and are not eligible for the National Register of Historic Places. Post-1954 properties and subdivisions were evaluated for significance. No post-1954 properties or subdivisions are eligible under Criteria Consideration G.

Figure 10. Aerial photo showing APE, project alternatives, inventoried properties, and photo locations. (8 sheets)





Indiana Department of Natural Resources

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Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us

Joseph E. Kernan, Governor
John R. Goss, Director



October 20, 2004

Matthew D. Weir, PE
Project Manager
Parsons
902 North Capitol Avenue, Suite 301
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration

Re: Area of potential effects modification and architectural survey report (Terpstra, Bankowitz, and Thursby, 09/16/04) regarding improvements to US 31 between one mile north of US 35 and two miles south of SR 26 (Project #NH-153-2[041]; Designation #0200094; DNR #9975)

Dear Mr. Weir:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated September 20, 2004, and received on September 21, 2004, for the above indicated project in Kokomo, Center, and Harrison townships, Howard and Tipton counties, Indiana.


We wish to comment specifically on those properties about which we disagree with the conclusions proposed in the September 16, 2004 "Architectural Survey for the Proposed US 31 Kokomo Corridor Project" regarding eligibility for the National Register of Historic Places:

Page 60, Round Barn (Tipton County Site #159-323-10003). We agree that the barn is significant for its design and construction and for its association with efforts to improve farming efficiency at the beginning of the 20th century. However, as part of its restoration, the barn has suffered a diminishment of integrity of materials. It has also been moved to the Kelly Agricultural and Historical Museum, as you know, and, as a result, lost integrity of location, setting, and feeling. National Register Bulletin 15, "How To Apply the National Register Criteria of Evaluation", makes clear that moving buildings to artificial groupings "destroys the integrity of location and setting, and can create a false sense of historic development". As a result of the cumulative loss of integrity, we do not believe that the round barn is eligible for inclusion in the National Register.

In terms of the area of potential effects modification, we do not have any concerns with it based upon the information provided.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call Karie A. Brudis of our office at (317) 232-1646.

Very truly yours,


Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB;FDH:kab

cc: Robert F. Tally, Jr., Division Administrator, Federal Highway Administration
emc: Cathy Compton, Director, North-Central Regional Office, Historic Landmarks Foundation of Indiana
Wayne Goodman, Eastern Regional Office, Historic Landmarks Foundation of Indiana
Lyle Sadler, Indiana Department of Transportation

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Appendix E

Hazardous Materials

HAZARDOUS MATERIALS SITE VISIT FORM

Des # LA Code 5092 Project # N/A

Road # US 31 Type of Road Project Sale of Excess INDOT R/W

Description of area (either general location or exact location of parcel) Parcels 407, 408, and 409 are located on the east side of US 31 from RP 155+81 to RP 155+94, approximately 0.2 mile south of CR 600 North in Tipton County.

Person completing this Field Check Aaron Lawson 6-26-12

1. **Has a Red Flag Investigation been completed?** X Yes ☐ No

Notes: *This action will not involve excavation of soils, construction, or demolition of any kind.*

2. **Right-of-Way Requirements:**

X No New ROW ☐ Strip ROW ☐ Minor Take ☐ Whole Parcel Take ☐ Information Not Available

Notes: *This action involves the sale of excess INDOT R/W; no new R/W will be acquired.*

3. **Land Use History and Development:** (Industrial, Light Industry, Commercial, Agricultural, Residential, Other. Source of data: visual inspection, 2010 aerial photo, U.S.G.S. topo map)

Setting (rural or urban): *Mix of rural and suburban surroundings*

Current Land Uses: *Vacant lots, excess INDOT R/W*

Previous Land Uses: *Parcel 407: Commercial property; Parcels 408 & 409: Residential properties*

Adjacent Land Uses: *Agricultural (west side of US 31) and Suburban (east side of US 31)*

Describe any structures on the property: *Parcel 407: Vacant commercial building and storage lot containing various construction equipment, vehicles, and storage containers. All appear to be non-hazardous and possibly owned by INDOT. Parcels 408 and 409: Both vacant lots; residential buildings were once present at each parcel but were demolished as part of the R/W acquisition for Des 0600340.*

4. Visual Inspection:	Property	Adjoining Property	Property	Adjoining Property
Storage Structures:			Evidence of Contamination:	
Underground Tanks	<u>NO</u>	<u>NO</u>	Junkyard	<u>NO</u>
Surface Tanks	<u>NO</u>	<u>NO</u>	Auto Graveyard	<u>NO</u>
Transformers	<u>NO</u>	<u>NO</u>	Surface Staining	<u>NO</u>
Sumps	<u>NO</u>	<u>NO</u>	Oil Sheen	<u>NO</u>
Ponds/Lagoons	<u>NO</u>	<u>NO</u>	Odors	<u>NO</u>
Drums	<u>NO</u>	<u>NO</u>	Vegetation Damage	<u>NO</u>
Basins	<u>NO</u>	<u>NO</u>	Dumps	<u>NO</u>
Landfills	<u>NO</u>	<u>NO</u>	Fill Dirt Evidence	<u>NO</u>
Other	<u>NO</u>	<u>NO</u>	Vent pipes or fill pipes	<u>NO</u>

5. Is a Phase I, Initial Site Assessment required? ☐ Yes ☒ No ☐ Other ☐ NO ☐ NO
(Write additional notes on back)



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204-2216 (317) 232-5348 FAX: (317) 233-4929

Mitchell E. Daniels, Jr., Governor
Michael B. Cline, Commissioner

Date: July 20, 2012

To: Hazardous Materials Unit
Environmental Services
Indiana Department of Transportation
100 N Senate Avenue, Room N642
Indianapolis, IN 46204

From: Aaron Lawson
Greenfield District
32 South Broadway St.
Greenfield, IN. 46140
alawson@indot.IN.gov

Re: Red Flag Investigation
LA Code 5092
Sale of Excess R/W – Parcels 407, 408, and 409
US 31
Tipton County, Indiana

NARRATIVE

This proposal (action) involves the disposal (sale) of excess INDOT right-of-way (R/W) from three parcels along US 31 in Tipton County. Parcels 407, 408, and 409 are located along the east side of US 31 from reference post (RP) 155+81 to RP 155+94, approximately 0.2 mile south of CR 600 North. Specifically, these parcels are located in Section 6, Township 22 North, Range 4 East of the Kokomo West Quadrangle in Tipton County.

INDOT intends to sell a total of 3.880 acres of excess INDOT R/W, which includes 1.955 acres from Parcel 407, 1.100 acres from Parcel 408, and 0.825 acre from Parcel 409. These parcels were acquired by INDOT in 2011 as part of the of the US 31 INDOT road construction project (new Kokomo bypass) under Designation Number (Des#) 0600340. INDOT determined that this surplus R/W will not be needed within the near future and has thus decided to sell the excess R/W to a prospective buyer.

A vacant commercial building and fenced storage lot comprises the majority of Parcel 407. Various types of construction equipment, vehicles, storage containers, large cable coils, and other supplies were observed in the fenced lot at the time of the June 26, 2012 site inspection. The prospective buyer requested that INDOT not demolish the vacant commercial building or storage lot.

Parcels 408 and 409 are currently vacant and are comprised of mowed grass and trees. Residential structures once stood on these parcels; however, the structures were demolished as part of the US 31 INDOT road project under Des number 0600340.

This action will not involve excavation, construction, or demolition of any kind. Therefore, impacts to the surrounding environment will not occur.

SUMMARY

Infrastructure			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Other road projects	0	Airports	0
Cemeteries	0	Hospitals	0
Railroads	0	Recreational Facilities	0
Religious Facilities	0	Schools	0
Trails	0	Pipelines	0
Managed Lands	0		

Explanation: There are no infrastructure items of concern located within the half-mile radius investigation area.

Water Resources			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Canal Routes – Historic	0	Canal Structures – Historic	0
NWI Wetland Lines	0	Floodplain-DFIRM	0
NWI Wetland Polygons	1	NWI Wetland Points	0
Rivers & Streams	2	Lakes	0
IDEM 303d Listed Rivers and Streams	2	IDEM 303d Listed Lakes	0
Cave Entrance Density	0	Sinkhole Areas	0
Karst Springs	0	Sinking-Stream Basins	0

Explanation: Kelly West Ditch and an Unnamed Tributary (UNT) are located within the half-mile radius investigation area. Both of these streams are Indiana Department of Environmental Management (IDEM) 303d Listed Streams and are impaired with E. coli and PCBs. However, Kelly Ditch is located 1/4 mile east of the excess R/W parcels and the unnamed tributary is 1/8 mile northeast of the excess R/W parcels, which is well outside the boundaries of the excess R/W. Therefore, these streams and their impairments will not impact the sale of the excess R/W.

One wetland is located within the half-mile radius investigation area. However, this wetland is located more than ¼ mile northwest of the excess R/W parcels, which is well outside the boundaries of the excess R/W. Therefore, the wetland will not impact the sale of the excess R/W.

This action will not involve excavation, construction, or demolition of any kind. Therefore, impacts to the surrounding environment will not occur.

Mining/Mineral Exploration			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Petroleum Wells	8	Petroleum Fields	1

Mines – Surface	0	Mines – Underground	0
-----------------	---	---------------------	---

Explanation: All three parcels are located within the Trenton Petroleum Field. However, this action will not involve excavation, construction, or demolition of any kind; therefore, the Trenton Petroleum Field will not impact the sale of R/W.

There are 8 petroleum wells located within the half-mile radius investigation area. However, the nearest petroleum well is located 1/8 mile northeast of the excess R/W, which is well outside the boundaries of the excess R/W parcels. The remaining wells Therefore, the petroleum wells will not impact the sale of the excess R/W.

Ecological Information

From the county listing of the Indiana Natural Heritage Data Center, information on endangered, threatened, or rare (ETR) species and high quality natural communities:

- The Black Rail (*Laterallus jamaicensis*) is listed as a state endangered avian species and the Awned Sedge (*Carex atherodes*) is listed as a state endangered vascular plant species for Tipton County. Additionally, Leiberg's Witchgrass (*Panicum leibergii*) is listed as a state threatened vascular plant species for Tipton County. There are no aquatic or terrestrial species listed as state endangered, threatened, or rare for Tipton County.
- There are no aquatic species, terrestrial species, avian species, or vascular plants listed as federally endangered, threatened, or rare for Tipton County.
- There are no state or federal habitats of concern listed for Tipton County.

Early coordination with the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources (IDNR) Division of Fish and Wildlife is not required for this type of project (State-Funded Categorical Exemption). This action involves only the sale of excess INDOT R/W and will not involve excavation, construction, or demolition of any kind.

Cultural Resources

Information on the excess R/W has been submitted to the INDOT Cultural Resources Office for review. The findings of their review will be documented in the final State Categorical Exemption document.

Hazmat Concerns			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Brownfield Sites	0	Corrective Action Sites (RCRA)	0
State Cleanup Sites	0	Superfund Sites	0
Voluntary Remediation Program	0	Institutional Control Sites	0
Manufactured Gas Plant Sites	0	Industrial Waste Sites	0
Underground Storage Tanks (USTs)	0	Leaking Underground Storage Tanks (LUSTs)	0
Confined Feeding Operations	0	Septage Waste Sites	0
Construction Demolition Waste	0	Infectious/Medical Waste Sites	0
Lagoon/Surface Impoundments	0	Open Dump Sites	0
Restricted Waste Sites	0	Solid Waste Landfills	0
Tire Waste Sites	0	Waste Transfer Stations	0
Waste Treatment, Storage, and Disposal Sites (TSDs)	0	NPDES Facilities	0
NPDES Pipe Locations	1		

Explanation: There is one National Pollution Discharge Elimination System (NPDES) pipe located within the half-mile radius investigation area. The Prairie Utilities, Inc. NPDES pipe is located approximately 1/8 mile northeast of the excess R/W parcels, which is well outside the excess R/W parcel boundaries. Therefore, the NPDES pipe will not impact the sale of the excess R/W.

RECOMMENDATIONS

Include recommendations from each section. If there are no recommendations, please indicate N/A:

INFRASTRUCTURE: N/A

WATER RESOURCES: N/A

MINING/MINERAL EXPLORATION: N/A

ECOLOGICAL INFORMATION: N/A

CULTURAL RESOURCES: Information on the excess R/W has been submitted to the INDOT Cultural Resources Office for review. The findings of their review will be documented in the final State Categorical Exemption document.

HAZMAT CONCERNS: Although a NPDES pipe is located within the half-mile radius investigation area, further investigation, such as a Phase I environmental site assessment, is not warranted for this action.

Supervisory concurrence:

**Marlene
Mathas**

Digitally signed by Marlene Mathas
DN: cn=Marlene Mathas, o=INDOT
Environmental Services, ou=Hazardous
Materials, email=mmathas@indot.in.gov,
c=US
Date: 2012.07.20 13:07:55 -04'00'

(Signature)

Prepared by:

Aaron Lawson

Environmental Manager II

INDOT - Greenfield District

Graphics:

A map for each report section with a ½ mile radius buffer around all project area(s) showing all items identified as possible items of concern is attached. If there is not a section map included, please change the YES to N/A:

GENERAL SITE MAP SHOWING PROJECT AREA: YES

INFRASTRUCTURE: YES

WATER RESOURCES: YES

MINING/MINERAL EXPLORATION: YES

HAZMAT CONCERNS: YES

Red Flag Investigation - General Site Map
 US 31, 0.2 mile south of CR 600N (Parcels 407, 408, & 409,)
 LA Code 5092, Sale of Excess INDOT R/W
 Tipton County, Indiana



0 0.02 0.04 0.08 0.12
 Miles

1:2,300

Sources:
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

Legend

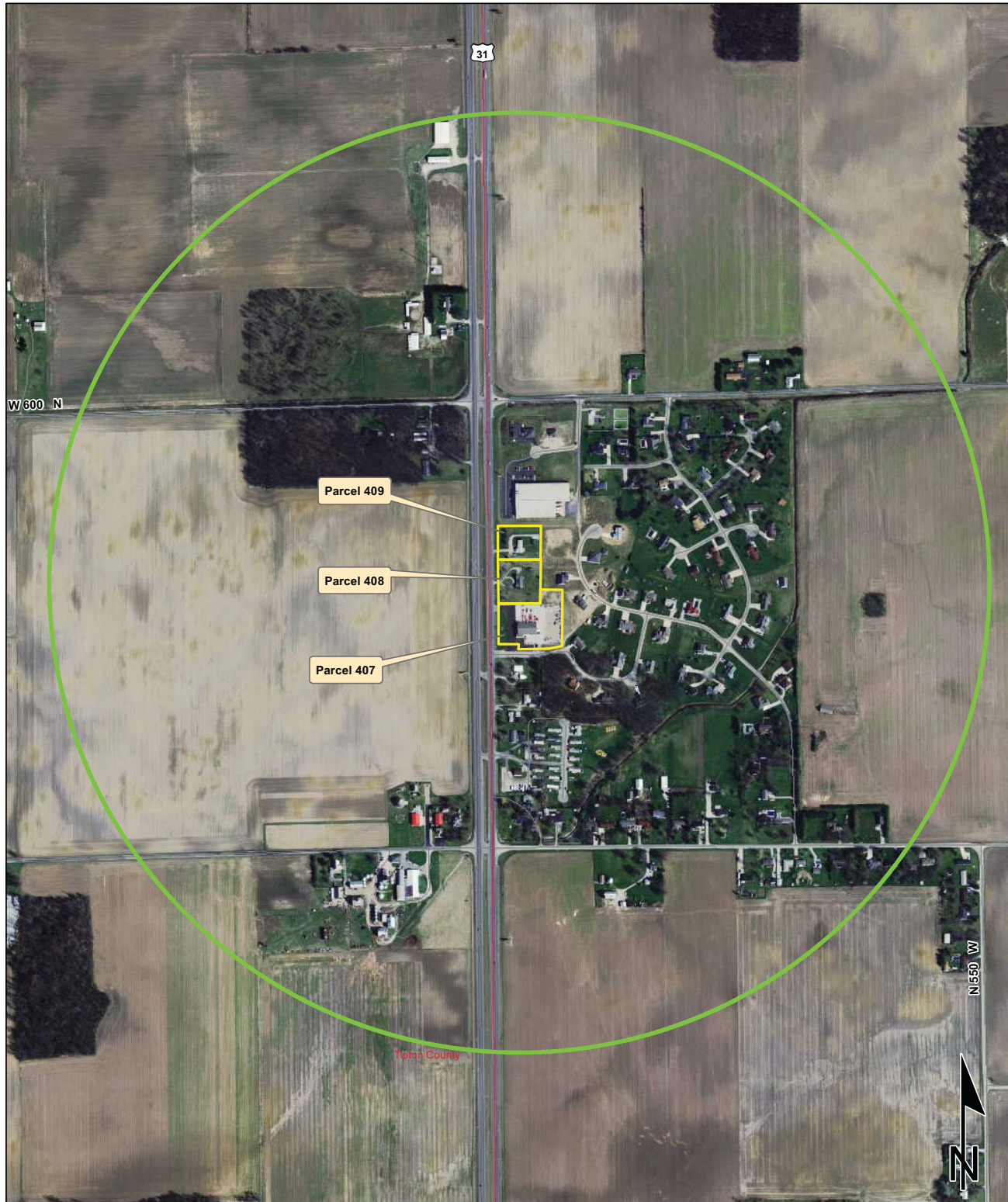
- Project Area
- County Boundary

State Routes

Highways

- Interstates
- State Routes
- US Routes
- Local Road

Red Flag Investigation - Infrastructure Map
 US 31, 0.2 mile south of CR 600N (Parcels 407, 408, & 409,)
 LA Code 5092, Sale of Excess INDOT R/W
 Tipton County, Indiana



0 0.05 0.1 0.2 0.3
 Miles

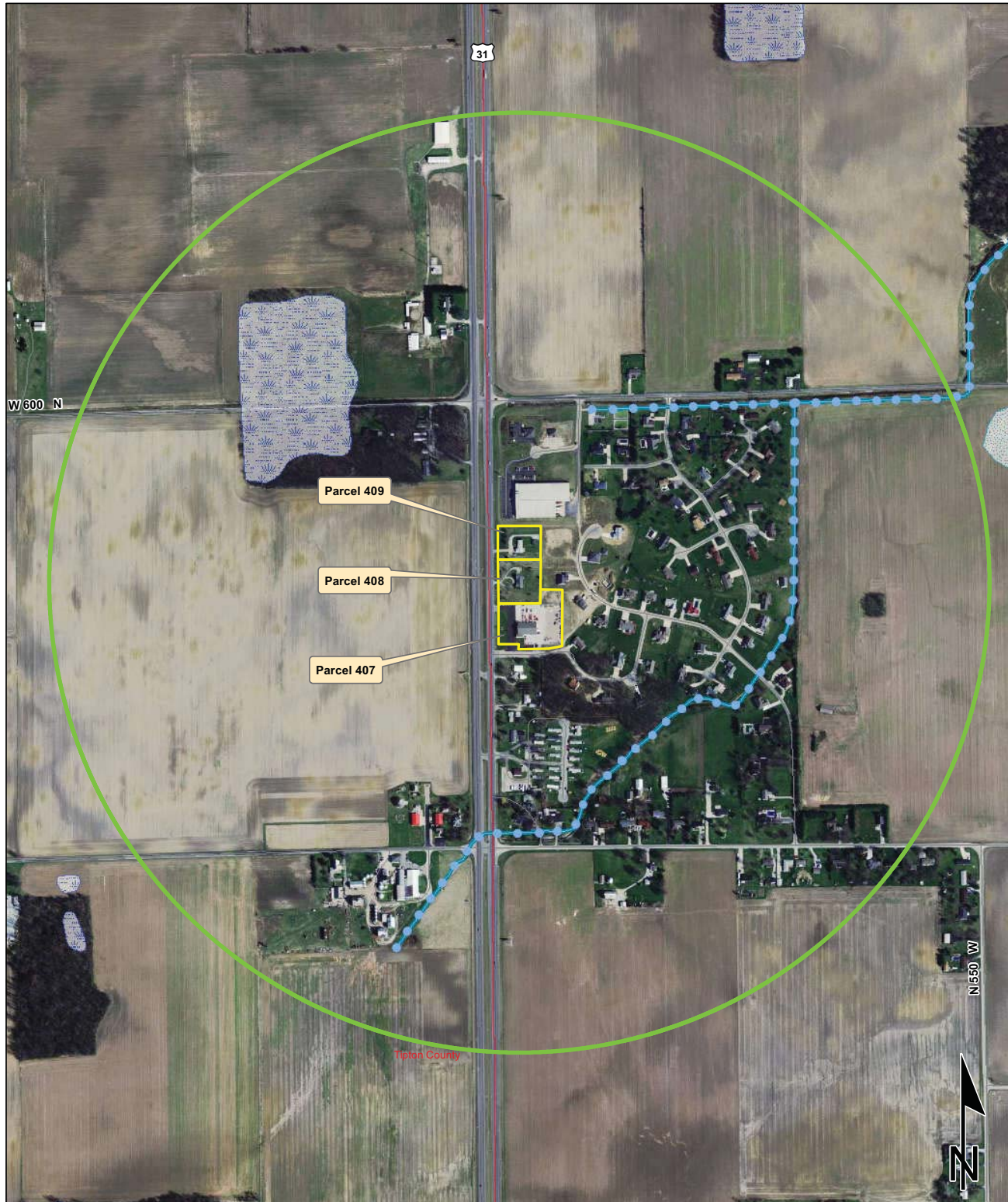
1:6,500

Sources:
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83
 This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

	Religious Facility		Recreation Facility		Project Area
	Airport		Pipeline		Half Mile Radius
	Cemetaries		Railroad		Interstate
	Hospital		Trails		State Route
	School		Managed Lands		US Route
			County Boundary		Local Road

E8

Red Flag Investigation - Water Resources Map
 US 31, 0.2 mile south of CR 600N (Parcels 407, 408, & 409,)
 LA Code 5092, Sale of Excess INDOT R/W
 Tipton County, Indiana



0 0.05 0.1 0.2 0.3
 Miles

1:6,500

Sources:

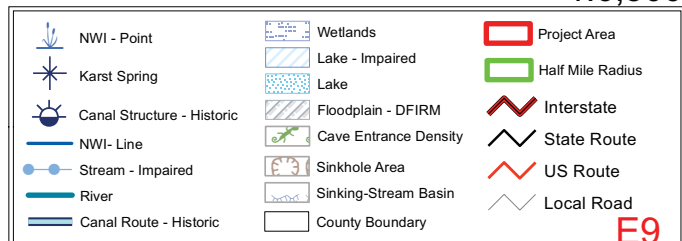
Non Orthophotography

Data - Obtained from the State of Indiana Geographical Information Office Library

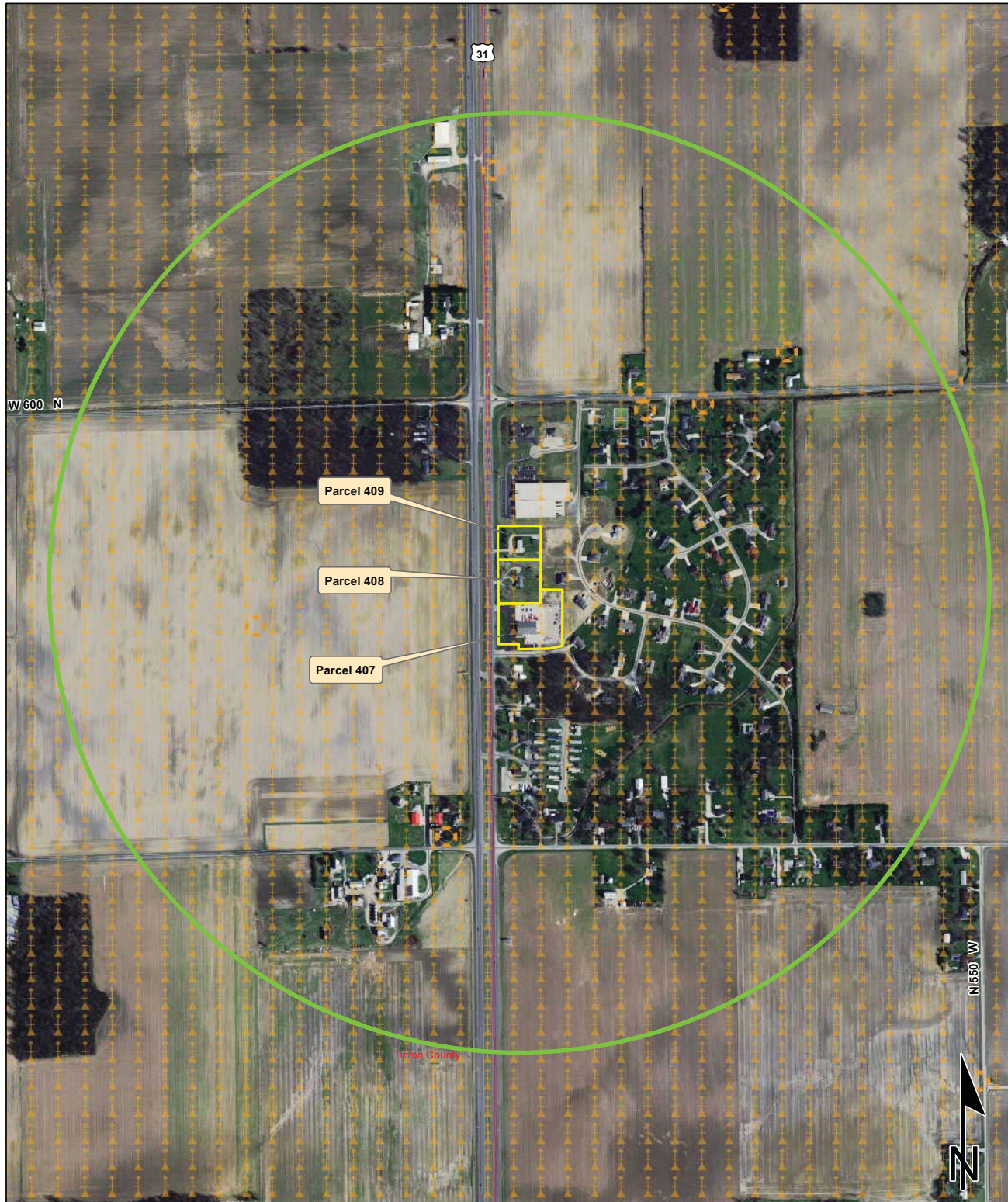
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)

Map Projection: UTM Zone 16 N **Map Datum:** NAD83

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.



Red Flag Investigation - Mining/Mineral Exploration Map
 US 31, 0.2 mile south of CR 600N (Parcels 407, 408, & 409,)
 LA Code 5092, Sale of Excess INDOT R/W
 Tipton County, Indiana

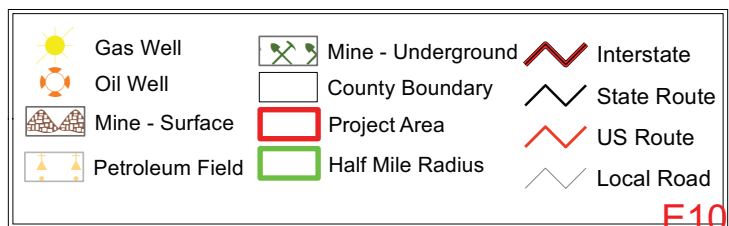


0 0.05 0.1 0.2 0.3
 Miles

1:6,500

Sources:
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83

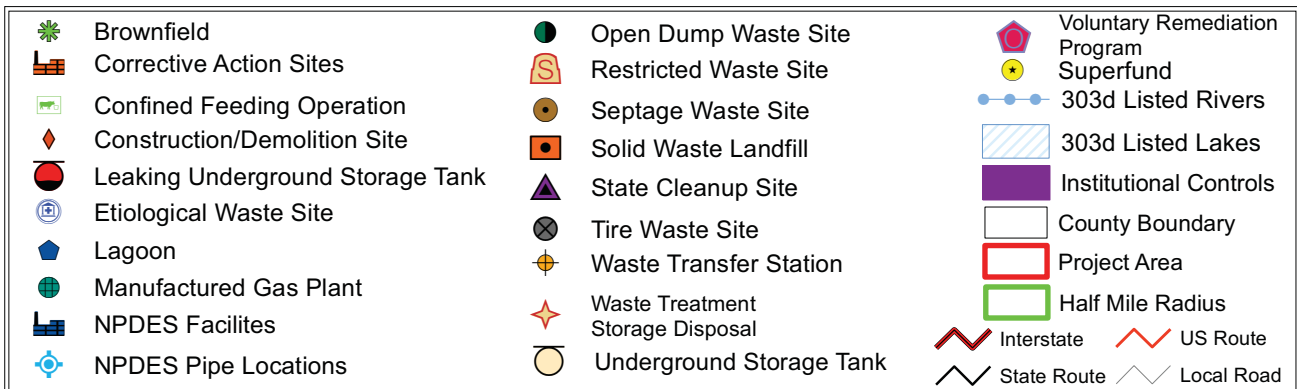
This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.



Red Flag Investigation - Hazardous Material Concerns Map
 US 31, 0.2 mile south of CR 600N (Parcels 407, 408, & 409,)

LA Code 5092, Sale of Excess INDOT R/W

Tipton County, Indiana



0 0.04 0.08 0.16 0.24 Miles

1:6,500

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

Sources:
Non Orthophotography
 Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
 Map Projection: UTM Zone 16 N Map Datum: NAD83

Indiana County Endangered, Threatened and Rare Species List

County: Tipton

Species Name	Common Name	FED	STATE	GRANK	SRANK
Mollusk: Bivalvia (Mussels)					
Lampsilis fasciola	Wavyrayed Lampmussel		SSC	G5	S3
Ptychobranchnus fasciolaris	Kidneyshell		SSC	G4G5	S2
Villosa lienosa	Little Spectaclecase		SSC	G5	S3
Bird					
Laterallus jamaicensis	Black Rail		SE	G4	SHB
Vascular Plant					
Carex atherodes	Awned Sedge		SE	G5	S1
Panicum leibergii	Leiberg's Witchgrass		ST	G5	S2

Indiana Natural Heritage Data Center
Division of Nature Preserves
Indiana Department of Natural Resources
This data is not the result of comprehensive county surveys.

Fed: LE = Endangered; LT = Threatened; C = candidate; PDL = proposed for delisting
State: SE = state endangered; ST = state threatened; SR = state rare; SSC = state species of special concern; SX = state extirpated; SG = state significant; WL = watch list
GRANK: Global Heritage Rank: G1 = critically imperiled globally; G2 = imperiled globally; G3 = rare or uncommon globally; G4 = widespread and abundant globally but with long term concerns; G5 = widespread and abundant globally; G? = unranked; GX = extinct; Q = uncertain rank; T = taxonomic subunit rank
SRANK: State Heritage Rank: S1 = critically imperiled in state; S2 = imperiled in state; S3 = rare or uncommon in state; G4 = widespread and abundant in state but with long term concern; SG = state significant; SH = historical in state; SX = state extirpated; B = breeding status; S? = unranked; SNR = unranked; SNA = nonbreeding status unranked

EXHIBIT D

Hold Harmless Affidavit

STATE OF INDIANA)
)SS:
COUNTY OF _____)

AFFIDAVIT

Comes now the Affiant(s), _____, and swear and affirm to the following:.

- 1) That the above Affiant(s) shall **hold harmless and indemnify** the State of Indiana and its agent Indiana Department of Transportation and accept the property transfer through Quit Claim Deed without any Warrants and receive property As-Is.

SUBSCRIBED AND SWORN TO THIS _____ DAY OF _____, 20__.

Affiant's printed name

Affiant's signature

State of Indiana)
) SS:
County of _____)

Subscribed and sworn to before me a Notary Public this _____ day of _____, 20__.

Notary Public

A Resident of _____ County Indiana
My Commission expires: _____